

There are relatively few studies that give some insight into the causes of both the problem of peer sexual violence and its persistence. Despite this lack of attention, institutional responses are a key factor in the peer sexual violence epidemic. Institutional responses likely to break the cycle need to be designed, on the front end, to encourage victim reporting as well as other sources of information about violence occurring at that institution, and, on the back end, to hold perpetrators accountable, including through some kind of effective disciplinary process. For a variety of complicated reasons, at the current time and at many colleges and universities, neither of these responses is generally occurring. Instead, as the cases, journalistic accounts, and empirical studies reviewed in this article suggest, on the front end, many institutions do their best to avoid knowledge of the peer sexual violence, both in general and in specific cases, and on the back end, they adopt disciplinary procedures that make it more difficult to find students accused of sexual violence responsible for that violence.

The remainder of this Article will look at three areas of law to see how these laws encourage institutions to adopt certain methods of dealing with campus peer sexual violence. It will ultimately conclude that, both to comply with their legal obligations and ultimately to end the violence, institutions need to “decriminalize” their institutional responses to the problem, both on the front end and on the back end. Finally, it will make

two recommendations of specific methods that institutions can use to begin the decriminalization process.