

To: University Presidents and Institutional Review Boards Participating in the AAU Survey
Fr: Senior Researchers on Campus Sexual Assault¹
Re: Institutional Risks from the (Confidential) AAU Survey Instrument
Date: 27 January 2015

In our professional opinions, based on decades of scientific expertise in assessment of campus sexual misconduct, the content and method detailed in the draft Sexual Assault and Campus Climate Survey Study of the Association of American Universities, distributed to your institution in late December 2014, violates three fundamental ethical principles in human subjects research. Furthermore, the survey has the potential to vastly underestimate the true scope of sexual victimization. The harms of implementing this survey exceed the potential benefits for participants, science, and society. Our concerns with the survey instrument compel us to communicate them directly to you and your institutional review board (IRB).

We understand that the contract your institution signed prohibits any individual institution or IRB from requesting changes to content or method. The contract also prohibits disclosure to outside experts, to university faculty or other bodies charged with protecting the student body, making policies, conducting objective research, and/or protecting student mental health. If you agree that the survey, as currently written, violates ethical principles in human subject research, we urge you to ask for revision and refrain from administering this survey until it has been-properly revised.

The Belmont Report (“Ethical Principles and Guidelines for the Protection of Human Subjects of Research,” HHS, 1979) states three guiding ethical principles for human subjects research: 1. Respect for Persons, 2. Beneficence, and 3. Justice. The AAU Survey content and method potentially violate these principles.

1. Respect for Persons

The first Belmont principle is respect for persons, otherwise known as autonomy: “In most cases of research involving human subjects, respect for persons demands that subjects enter into the research voluntarily and with adequate information.” *The AAU recruitment plan does not respect student autonomy because it does not fully inform students about their participation.* In contrast, it misleads students by implying they have a voice in the data for their campus, when most participants actually will not. The AAU survey proposes to contact all students but to analyze only a subset of each institution’s data. Responses from only a small group will be selected for its sample. The informed consent agreement does not specify that some responses will not be used in the analyses. This process is a case of concealment at best and deception at

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worst. Moreover, without a stratified random sampling plan, there can be no scientific merit for this data collection and analysis method.

2. Beneficence

The second principle is beneficence, requiring researchers to treat participants ethically not only by respecting their decisions but by protecting them from harm. Participation in research is a scientific activity as well as an intervention in a person's life, no matter how small. Studies about sensitive topics are potentially potent interventions that shape how students think about their own experiences as well as the topic in general. Beginning with the survey title, the terms *sexual assault* and *sexual harassment* are used without definition. The title sets a frame for responses, a frame that is likely to be based on incomplete understandings of these legal terms. When assault and harassment are defined, the questionnaire becomes confusing even to the knowledgeable researcher.

Additionally, the screening method used in this survey may convey to some students that their experiences were not actual victimization because they do not fit a particular model of assault and rape. The sexual victimization questions begin by describing incidents of physical force, which only reinforces societal biases that rape is typically a violent crime. These stereotypic biases are not only empirically inaccurate but also inconsistent with most students' actual experiences of sexual violence.

Finally, the survey ends abruptly. A common practice is to include some questions to ease participants out of the most sensitive parts of the survey before they are debriefed, including an open-ended opportunity to comment on the study, their experiences, or anything else that feels important to the respondent. An increasingly expected component of most studies on trauma and victimization is a brief set of questions about participants' experience in the research process.

3. Justice

The third Belmont principle is justice. As stated in the Belmont report, "Who ought to receive the benefits of research and bear its burdens?" The AAU, which has stated explicitly that it is trying to head off federal regulation and a federal survey, is the primary beneficiary. Individual institutions will receive only the "benefit" of questionable data about their own institution, as well as an inability to compare their campus with others. Furthermore, although institutions appear to have some latitude, in large part, they are unable to tailor the survey according to its specific context. For example, how do recent events at the University of Virginia influence student responses? Shouldn't this institution, along with others who have high profile cases be able to assess the impact of media attention on campus climate?

Regarding burdens, the entire student body is burdened with a survey when normal scientific research methods would instead recruit a representative sample to be surveyed. A secondary harm of this burden is to scientific knowledge itself: students at participating institutions will no longer be appropriate candidates for inclusion in independent scholarly studies of sexual misconduct due to exposure to various sexual victimization questions. This will thwart the goals of science to develop a cumulative knowledge base.

Furthermore, the survey plan proposes that each campus send out 10 “tweets” and make 10 Facebook page alerts, pushing students to complete the survey. We are unaware of any scientific survey engaging in such a high level of reminders, which to some will impose unnecessary burdens and may well seem like harassment. This will also add to the anxiety and potentially skew the data.

The burden of assessing campus climate falls on only on those harmed by sexual misconduct, without seeking any information from those who do the harm. If the goal of the survey is to assess climate to inform prevention strategies, victimization data, while useful to an extent, is not the most useful data. Meaningful prevention rests on identifying the reasons sexual misconduct is perpetrated and the environments that foster it. Without information on perpetration, efforts to reduce rape on campus will lack the foundation that defines a scientific approach to prevention. Thus, not only does the content of the survey burden victims, it does not collect the full range of data needed to meet the goals of the White House Task Force Report.

We question the ethics of burdening students with a lengthy survey without sufficient pilot testing to ensure the adequacy of the content. For example, the questions used to assess sexual assault, sexual harassment, and dating violence reflect a criminal justice focus rather than the civil rights approach consistent with Title IX. Campus student affairs administration is tasked with responding to the entire range of sexual misconduct whereas this survey focuses on acts that constitute a subset of the incidents the institution must respond to and process under guidelines of Title IX, the Violence Against Women Act, the Clery Law and other applicable local, state, and federal law and guidelines. For example, the sexual harassment questions focus mainly on simple sexism and lack attention to other components of gender-based harassment.

Conclusion

The rush to complete this survey by April has exposed a number of potential ethical problems. The only apparent reason for this rush is the explicit statement of the AAU President that the survey is being done to influence government action and to get out ahead of other surveys. This is no basis for taking reckless action. We request that participating campuses halt plans to administer the AAU survey until it can undergo further peer review and revision to address the concerns.