

Media Construction of Campus Sexual Assault: A Case Study

Stela Murrizi

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Supervised By: Professor Holly Johnson
Faculty of Social Sciences
University of Ottawa

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ABSTRACT

Working within a social constructionist paradigm, the focus of this study is on the way in which the social problem of campus sexual assault is constructed and the way in which these constructions determine the proposed solutions. To address the issue, the study focuses on a high-profile case of a violent sexual assault that occurred at Carleton University in the fall of 2007. Drawing upon the work of Joel Best and Donileen Loseke, I approach this issue by focusing on the claims-making activities that emerged in response to this event. Using a mixed methods analysis of newspaper coverage of the event consisting of a quantitative content analysis combined with a more detailed thematic analysis focusing on the specific claims made and the more general themes they reflect, this study analyzes the dominant claims-makers identified by the media, the claims they put forth, and the proposed solutions that follow from their particular constructions of the problem. Results of this analysis illustrate the contested nature of the construction of campus sexual assault as well as the way in which competing discourses reflect features of a broader social discourse relating to crime, individualization, and the responsabilization of women to protect themselves from sexual violence.

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LIST OF ACRONYMS

CSG: Carleton Student Government

GSA: Graduate Student Association

CUSA: Carleton University Students Association

CUASA: Carleton University Academic Staff Association

RCC: Rape Crisis Centre

SANE: Sexual Assault Nurse Examiner

SASC: Sexual Assault Support Centre

Chapter 1: INTRODUCTION

In the past decade throughout many Canadian post-secondary institutions there has been a rise in public discussions about sexual violence, sexual victimization, and rape culture. Much of this discussion has been precipitated by the occurrence of a number of high-profile sexual assaults on university campuses. As a result of these events, many of the public discussions are turning to the growing body of literature that has developed over the decades. A dominant discourse established by the women's movements, while not uncontested, is proving useful for interpreting this issue in the current context. What follows in this chapter is a brief summary of the effect the women's movement has had on the conceptualization of sexual violence within a neoliberal political climate, an introduction to this case study, and a brief summary of the structure of this thesis.

Feminist Women's Movement and Political Ideology of Neoliberalism

Over the last several decades, research and activism by women's rights supporters and activists have achieved some success in their campaign to aid survivors of rape and contest sexual assault laws. Rape crisis centres have been established, laws reformed, and male power over women challenged (Campbell & Ahrens, 1998; Comack & Peter, 2005; Friedman & Valenti, 2008). Despite these successes, sexual violence continues to be a misunderstood, widespread, costly, and frequently ignored social problem. As prevalence research over the last two decades indicates, this social problem is particularly severe for young women attending colleges and universities (DeKeseredy & Kelly, 1993; Fisher, Cullen, & Turner, 2000; Fisher, Daigle, Cullen, & Turner, 2003; Krebs, Lindquist, Warner, Fisher & Martin, 2009; Kilpatrick, Resnick, Kenneth, Conoscenti, & McCauley, 2007; Koss, Gidycz, & Wisniewski, 1987). While post-secondary institutions are generally thought of as

safe, protected havens for academic pursuit, for numerous female students they simply are not due to the higher risks of sexual victimization. Since sexual victimization can be severe in its direct and indirect consequences, some academics and activists believe universities have a responsibility to ensure students remain safe by engaging in various preventative and protective measures (Bohner & Parrot, 1993; Kilpatrick et al., 2007; Kilpatrick, 2004).

These types of conversations became possible thanks to the struggles of the feminist movements which publicized and politicized the social problem of violence against women. Feminism was established as a body of knowledge and a political movement aimed at understanding and alleviating inequality experienced by women in society (Comack, 2006). Until rape consciousness was made popular by feminists in the 1960s (Bumiller, 2008; Comack, 2006), the topic was taboo in public discourse, let alone in the formal political agenda (Bevacqua, 2000). Feminists were the first to understand and claim the issue of rape, thus it is logical that sexual violence should be centered as a women's issue (Dunn, 2010; Loseke, 1987). Early feminists constructed violence against women as an epidemic and rape as a tool used by men to subordinate and control women (Bonnycastle, 2000; Bumiller, 2008) by keeping them in constant fear of violation of their bodies (Bumiller, 2008; McNay, 1993). Rape in this era was framed as a political problem and victimized women were encouraged to see the personal in the political (Bumiller, 2008).

The goals of the feminist movements and the "rights revolution" of the 1960s and 1970s led to a renewed interest in victims' rights which gained political power and strength over time (Landau, 2006: 12). The violence against women rhetoric gained strength through its appropriation by a state eager to justify the extension of punitive control networks (Bonnycastle, 2000). Political actors of the day were strongly promoting a neoliberal

ideology that emphasized individual responsibility, surveillance, diagnosis and social control (Bumiller, 2008; Comack & Peter, 2005). These views aligned closely with those of the dominant victims' rights advocates, and so lobbying to get tough on perpetrators had the effect of linking feminism to the law-and-order agenda of the time (Comack & Peter, 2005). Feminist lobbyists' demands were accommodated not necessarily because of the validity of their claims, but because their claims aligned with dominant political ideologies of the time (Bevacqua, 2000; Bonnycastle, 2000; Bumiller, 2008).

The 40 year campaign by the feminist movements transformed popular consciousness and politicized the issue of rape, leading to legal changes of the *Criminal Code of Canada* and the widespread growth of organizations designed to address sexual violence, such as Rape Crisis Centers (RCCs) (Bumiller, 2008). In the 1970s, some feminists argued that women who were raped could not be treated fairly by the criminal justice system as long as the sexual aspect of rape was prioritized over the assault or the violence (Bonnycastle, 2000; Johnson, 2012; Smart, 1989). Due to the pressures of feminist groups and in order to bring all existing laws in line with the new *Charter*, in 1983 the *Criminal Code* was amended replacing the offences of rape and indecent assault with the degendered, three-tier structure of sexual assault (Bonnycastle, 2000; Roberts & Mohr, 1994; Smart, 1989). These changes were intended to increase reporting rates and victims' confidence in the legal system by reducing the stigma associated with reporting to the police, removing certain evidentiary requirements, and increasing conviction rates of offenders (Sinha, 2013).

Despite these legal gains, legal reforms often do not remedy material, economic, and political inequalities structuring women's vulnerability to violence and assault (Bonnycastle, 2000). Nonetheless, the reforms of the *Criminal Code* were perceived as significant feminist

achievements, given the symbolic function of law as an institution with an ability to reconcile contradictory ideas (Bumiller, 2008; Smart, 1989). Substantively, however, simply eliminating the formal expression of bias in the law does not make a real difference in the treatment of sexually assaulted women throughout the criminal justice system (Bonnycastle, 2000; Johnson, 2012). This becomes particularly evident when observing the way sexual assault survivors are silenced during the rape trial (Smart, 1989), and the way poor and racialized women become “unrepresentable” because the law deems them “unrape-able” (Bonnycastle, 2000: 62 & 67). Several academics argue such a strategy of degendering a gendered crime was bound to fail because sex cannot be taken out of an inherently sexual act (McIntyre, Boyle, Lakeman, & Sheehy, 2000; Smart, 1989). Instead, the law reform became yet another resource for “constructing normality” by naturalizing already existing dominant constructions of masculinity and femininity (for an excellent analysis of this, refer to Bonnycastle, 2000: 61).

Additionally, legislative changes are thought to be doomed to fail if the underlying societal beliefs that support rape myths¹ and stereotypes about sexual violence are not eradicated (Sampert, 2008). One of the goals of the feminist movements was the debunking of rape myths and stereotypes. Yet, they prevail and are often relied upon by various claim-makers when making a point. Briefly, these myths include: men rape as an act of passion because male aggression is natural; women provoke rape with their appearance and

¹ Rape myths have originally been defined by Burt (1998) as “prejudicial, stereotyped, or false beliefs about rape, rape victims and rapists” (McMahon, 2010: 129). Later Lonsway & Fitzgerald (1994) described them as attitudes and beliefs that are generally false yet widely and persistently serve to justify male sexual aggression against women (McMahon, 2010). They are used as a means to intimidate women, reinforcing a hierarchy in which men are higher (Hockett, Saucier, Smith & Craig, 2009). Rape myths allow men to justify rape, and women to minimize personal vulnerability (Suarez & Gadalla, 2010). They can be defined as the stories society considers important, and they are so entrenched in societal consciousness that they are accepted with little contestation (Sampert, 2008).

behaviour; ‘real rape’² is the only type of legitimate rape and it is perpetuated by a strange and dangerous “other”; men with good reputations do not need to and therefore do not rape; acquaintance and date rape are not ‘real rape’; and women regularly lie about rape (Bevacqua, 2000; Bumiller, 2008; Dunn, 2010; Ellison & Munroe, 2009; Friedman & Valenti, 2008; Johnson & Dawson, 2011; Sampert, 2008; Suarez & Gadalla, 2010; Weiss, 2000). Equality-seeking women’s organizations and front-line service providers still continue their struggle to debunk these same rape myths; additionally, they aim to have date rape and acquaintance rape acknowledged as a social problem, particularly within college and university campuses (Bohner & Parrot, 1993; Koss, 1998; Koss, Gidycz, & Wisniewski, 1987; Hayes-Smith & Hayes-Smith, 2009; Mopas & Moore, 2012).

Armed with evidence from the first university-based study of sexual violence (see Koss and colleagues, 1987), the rape-law-reform movements and the civil lawsuits claiming colleges and universities were negligent in providing a safe and secure campus, courts in the United States ruled higher education institutions must take reasonable steps to prevent foreseeable crime and to provide adequate levels of security (Fisher, Hartman, & Cullen, 2002). One major advocacy group with great success in effecting legislation was the Security on Campus, Inc. founded by the parents of Jeanne Ann Clery, a woman who was murdered in her university dormitory room in 1986 (Fisher, Hartman, & Cullen, 2002). The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* of 1990, also known as the *Clery Act*, mandates all federally-funded universities to collect and disclose crime statistics, crime prevention measures, security policies, as well as corresponding

² A ‘real rape’ is inspired by violence, pathology and deviance (Ellison & Munroe, 2009: 301). It involves a stranger, threats, physical violence, serious injury, evidence of overt victim resistance, and attack in a public place and not the victims’ or assailants’ home (Bevacqua, 2000; Campbell, 1999; DuMont et al., 2003; Fisher, 2003; Spohn et al., 2001). In these cases the survivor is expected to report her victimization and fully cooperate with the police (Comack & Peter, 2005).

procedures of sexual violence on campus prevention (Hayes-Smith & Hayes-Smith, 2009). Prior to the *Clery Act* it was becoming evident sexual assault survivors were being silenced to protect universities' reputations and there were increasing calls for legislation to address this issue (Hayes-Smith & Hayes-Smith, 2009).

Since the federal *Clery Act* was enacted, 18 states have passed legislation mandating universities and colleges adopt security efforts and crime reporting measures specific to sexual assault (Hayes-Smith & Hayes-Smith, 2009). Although the *Clery Act* does not appear to have had an effect on the campus sexual victimization rates, it did encourage conversation about the social problem, it encouraged higher learning institutions to develop and implement crime-prevention and security policies, and it also mandated they make victimization rates available to the public (Fisher, Hartman, & Cullen, 2002). These cannot be considered small successes. While the problem of campus rape is of comparable proportion in Canada as in the United States (see DeKeseredy & Kelly, 1993 and Johnson, 2012), Canada has yet to implement such legislation aimed at addressing the issue of campus sexual assaults in Canadian post-secondary institutions. This means Canadian universities and colleges are not mandated to make public campus statistics, prevention strategies, or evaluations of prevention efforts.

Sexual Assault on Campus: Case Study

Despite not being mandated to take active measures in sexual assault prevention, Canadian universities have experienced tremendous internal and external pressures to adopt prevention methods aimed at eradicating the proclaimed rape culture³ on campuses. Much of

³ Rape culture is a term coined by the feminist movement of the 1970s and according to Buchwald, Fletcher and Roth (2005) it is a complex set of beliefs that encourage male sexual aggression and support violence against women. It is discussed in detail on page 17 of this thesis.

this pressure stems from sexual assault scandals which have encouraged an administrative reaction from Canadian universities. As a result, a number of Canadian universities, including the University of Ottawa, University of British Columbia, and St. Mary's University have established task forces aimed at combating systemic attitudes and misunderstanding related to sexual violence. While this year, university students and activists have achieved great success in opening up a dialogue and bringing rape culture to the forefront of the university administration agendas, in the past, sexual violence scandals have not had this effect despite the push initiated and sustained by student activists and other community members.

This research study aims to analyze the contested nature of the truth claims presented in the case of sexual assault that occurred on Carleton University's campus. On August 31st, 2007 a student with the pseudonym of Jane Doe was violently sexually assaulted by a perpetrator who was a stranger to her, while working late in a chemistry research lab. Following the assault, the case received a significant amount of media coverage. Once the case was publicized, a number of claims-makers responded by asserting their claims regarding this particular incident and sexual violence on campuses in general. When Jane Doe sued the school for negligence, the university responded by denying any institutional responsibility while attempting to responsabilize her for not following the security procedures already in place (see Appendix A. Jane Doe v. Carleton University, 2008). The institutional response sparked controversy and activism throughout the university campus and the wider Ottawa community. This case and the contested truth claims surrounding it serve as the basis for the study for this thesis. Through a social constructionist lens this research study explores

how campus sexual violence is socially constructed through the claims, actions, or inactions of the institution and the emerging activist groups. This thesis aims to identify the various constructions of the sexual assault via the media by the various claims-makers, and more specifically the main claims-makers: the university administration and the student activist groups that emerged. My research goal is to address the following research question:

How was the social problem of [this] campus sexual assault and the responses to it constructed by the dominant claims-makers as depicted in the newspaper media?

This thesis begins with a literature review of the topic of sexual violence with specific attention to sexual violence perpetrated against students of post-secondary institutions. The literature review chapter (chapter two) explores the scope of the problem, focusing on how it is currently measured in Canada, as well as the contested construction of sexual violence, especially through the media. Chapter three presents the social constructionist theory, laying out the theoretical background for this thesis as outlined by Joel Best (2008) and Donileen Loseke (2003). In the same chapter, I also discuss the role played by the media in reproducing certain ideologies and claims-making while disseminating information to a large number of people. Chapter four presents the methodology and the content analysis method used to analyze the sample of newspaper articles. The results of this study are presented in chapter five, and the discussion chapter (chapter six) relates the results back to the theory and the literature review. In chapter six, I contextualize the grounds, warrants, and conclusions presented by each claims-maker in this case study. I conclude this thesis by discussing the significance of the study, its limitations, as well as proposing suggestions for future research.

Before proceeding to the literature review chapter, it is important to clarify a number of key terms that are used throughout this thesis. The terms sexual assault and sexual violence are used interchangeably. Campus sexual assault or violence both refer to instances where at least one person involved is affiliated with a post-secondary institution. I do not use rape and sexual assault interchangeably as under Canadian law rape is a form of sexual assault along with attempted rape and any form of unwanted sexual touching. The word rape is used when citing others or when I am referring to a case with penetration of the survivor's body; otherwise, sexual violence or sexual assault is used. Additionally, the terms victim and survivor are used interchangeably. Although use of the term "victim" is contested within feminist and advocacy circles and by survivors themselves, this term is frequently used throughout the research literature and within the criminal justice system and is common in much of the psychological and psychiatric discourse as well as the media; it is therefore used in this thesis to remain consistent with the discussions presented in those discourses. Finally, the terms perpetrator, assailant and rapist are all used interchangeably and when discussing matters before the courts, the term defendant is used instead.

Chapter 2: LITERATURE REVIEW

In this chapter my aim is to discuss the nature and scope of the problem of sexual violence. The focus of this thesis is on the high profile incident of sexual assault that occurred on the Carleton University campus in 2007. While this case was heavily publicized, it is by no means an isolated incident of campus sexual assault. Before entering into a discussion of the political and historical climate surrounding this issue, it is necessary to gain some appreciation for the current construction and scope of sexual violence more generally.

Measuring the Scope of Sexual Victimization

In Canada there are currently two primary ways of measuring the prevalence of sexual victimization. The first is through the Uniform Crime Reporting Survey which represents police recorded crime. This police recorded data show a rate of victimization ranging from 121 per 100,000 at its peak in 1993 to 65 per 100,000 in 2007 (Johnson, 2012). While often heavily relied upon in the media, this method has been criticized for not providing a reliable sexual victimization rate because it is estimated only one in ten sexual assaults are ever reported to the police (Brennan & Taylor-Butts, 2008; Johnson, 2012).⁴ To address some of the weaknesses associated with police recorded data, several researchers and government organizations have turned to victimization surveys to assess the self-reported experiences of sexual victimization survivors.

The standard and most reliable information available to date on the prevalence of sexual assault among women is obtained through interviews of the general population via self-reported victimization surveys, which have become the standard for estimating the

⁴ In the US the rates of reporting are even lower if the sexual assault occurred on campus, with only one in 20 being reported (Fisher et al., 2003; Koss, Gidycz, & Wisniewski, 1987). Such data is currently not available in Canada.

nature and extent of violence against women (Johnson, 2006; 2012). These surveys record information about victimization regardless of whether they are reported to the police (Sinha, 2013) and when conducted “sensitively, anonymously, and under appropriate conditions they may be more accurate in assessing the nature and extent of these crimes” (Landau, 2006: 47). The most detailed information on sexual assault rates in Canada comes from the one-time Violence Against Women Survey (VAWS) conducted in 1993 (Johnson, 2006). Designed to overcome the limitations of traditional survey techniques, the behaviourally-specific questions asked were developed with the help of women seeking support from rape crisis centres, their advocates, as well as the police (Johnson, 1996; Landau, 2006). As a result, the language and terminology used was not only sensitive but also compatible with official definitions of crime (Johnson, 1996). The VAWS covered the most detailed information on sexual assault available to date and concluded 39% of Canadian adult women had experienced at least one sexual assault incident since the age of 16 (Johnson, 1996; Johnson, 2006).

A less detailed but on-going victimization survey in Canada is the General Social Survey (GSS). It is conducted once every five years, and it asks questions regarding victimization that were modeled after the VAWS (Sinha, 2013). In 2004, 460,000 incidents of sexual assault against women were recorded in the GSS, a rate of 32 per 1,000 women (Brennan & Taylor-Butts, 2008). This figure underestimates the prevalence since 106,000 women sexually assaulted by their spouses were counted in a separate section of the survey (Johnson & Dawson, 2011). In 2009, the number of incidents rose to 472,000 representing a rate of 34 incidents of victimization per 1,000 women (Sinha, 2013). While the GSS is the most frequently conducted victimization survey in Canada, there are several concerns about

the reliability of the estimates. The main concern is that questions on sexual assault are framed within the context of many other crimes so women may be reluctant to categorize their experience in this way and disclose to an interviewer (Johnson, 2006). Additionally, there are concerns with the rates found by the GSS because it only asks two behaviourally specific questions pertaining to sexual victimization instead of 10 as does the Sexual Experiences Survey whose significance is discussed in the following section (Koss, Gidycz, & Wisniewski, 1987).

Measuring the Scope of Sexual Violence within Post-Secondary Institutions

“Male-to -female physical, sexual, and psychological assaults are endemic to American university and college dating relationships”

(DeKeseredy & Kelly, 1993:138)

In order to determine sexual victimization rates on campus, sexual violence experiences are routinely measured through the Sexual Experiences Survey (SES) developed by Koss and her colleagues (1987). The SES was the first victimization survey to measure and assess sexual aggression and coercion among university and college populations. In order to show the interconnection among sexual harassment, sexual assault, and intimate partner violence, the SES methodology incorporated a broad range of 10 behaviourally-specific questions designed to get to the actual rates of victimization of sexual assault survivors (Johnson, 2012). These questions are not only relevant and detailed, but also sensitive and descriptive (Johnson, 2012). They were developed as such because of feminist concerns with how difficult it is to measure rape and other forms of sexual violence because of widespread, inaccurate, and negative stereotypes about rape and women’s concerns about what will happen if they disclose their victimization (Kilpatrick, 2004; Weiss, 2010).

Consequently, studies adopting the SES methodology produce a much higher estimate of victimization compared to omnibus crime victimization surveys. To find the incidence of rape, they refer to the percentage of women who stated that they were sexually assaulted and the percentage of men who indicated they were assaultive in the past twelve months as well as since leaving high school. The largest study on sexual assault on campus to date conducted by Koss and her colleagues (1987) found more than half of college female students have experienced some version of sexual victimization since entering college, and one quarter experienced rape or attempted rape. The Canadian equivalent and nationally representative survey on sexual, physical and psychological victimization of women in university/college dating relationships was conducted by DeKeseredy and Kelly (1993). They found the sexual assault rate for women to be 28%. When asked about their victimization since leaving high school, the number of victimized women rose to 45% (148). Overall, the rates of victimization remain similar both in Canada and the United States (DeKeseredy & Kelly, 1993; Testa, VanZile-Temsen, Livingston, & Koss, 2004).

Other studies replicating the SES method produced similar results (DeKeseredy & Kelly, 1993; DeKeseredy & Schwartz, 1998; Fisher, Sloan, & Chunmeng, 1998; Fisher et al, 2003; Kilpatrick et al., 2007; Koss, 1998; Krebs et al., 2009; Testa et al., 2004). These results prompted the Bureau of Justice Statistics to redesign the National Crime Victimization Survey (NCVS) in 1993 by expanding questions of sexual victimization and improving the wording to ask more directly about the experiences of sexual assault (Johnson, 2012). Consequently, the rates of sexual victimization produced by this method soared three to four times what they had been in previous years, and showed that rape and sexual assault were

three times higher in college populations than the general population of women aged 20-24 (Fisher et al, 1997; Johnson, 2012).

Women attending colleges and universities face a substantially elevated risk of sexual violence (DeKeseredy & Kelly, 1993; Fisher, Sloan, & Lu, 1998; Kilpatrick et al., 2007; Koss, Gidycz, & Wisniewski, 1987). Research shows women under 25 face a higher risk of sexual assault than any other cohort (Brennan & Taylor-Butts, 2008; Johnson, 2006). Single women are more at risk depending on the age group (15% for 18-24 year olds and 19% for 25-34 year olds), with single students being most at risk (17%) (Johnson, 1996). Lifestyle factors which are common among post-secondary students, such as going out at night, consuming alcohol, and associating with young men who also consume alcohol are factors associated with increased risk of sexual victimization (Brennan & Taylor-Butts, 2008; Brecklim & Ullman, 2010; Fisher et al., 1997; Perreault, Sauve, & Burns, 2004). In fact, research indicates heavy episodic drinking is a proximal risk factor, particularly in the university and college environments where more than half of sexual victimization incidents involve the use of alcohol (Abbey, 2002; Fisher et al., 2003; Kilpatrick et al., 2007; Testa & Livingston, 2009).

In their review of the literature Johnson & MacKay (2011) conclude that “alcohol plays a role in men’s perpetration of sexual violence and women’s vulnerability to sexual victimization” (12). In a study conducted by Adalf, Demers, and Gliksman (2005) cited in Johnson and MacKay (2011), a survey of 40 Canadian universities showed men who perpetrate or attempt rape are more likely to drink heavily than men who engage in consensual sex. In the same study 23% of women reported having been sexually harassed or assaulted as a result of other students’ drinking. Studies estimate that between 30% to 75%

of all perpetrators consume alcohol immediately prior to committing a sexual assault (Johnson & MacKay, 2011). Combining alcohol with certain personality traits such as impulsivity and low empathy, along with certain past experiences such as childhood abuse and delinquency, has been linked to sexual assault perpetration (Abbey, 2002).

In Abbey's (2002) review of the literature, she analyzes the attitudinal and situational factors that interact with alcohol consumption to increase the likelihood of sexual assault among college students including: traditional gender role beliefs, expectations of alcohol's effects, stereotypes about women drinking, alcohol as a sexual signal, misinterpretations of sexual intent, drunk men's willingness to behave aggressively, drunk women's inability to assess risk and resist effectively, and alcohol's effects on perceptions of responsibility. These same attitudinal and situational factors contribute to sexual survivors blaming themselves for the role they may have played in their own victimization which in turn leads to decreased reporting rates (Fisher et al., 2003). Women report fearing that they risk being blamed if they were to report they were victimized while drunk, thus they choose not to report their experience in order to avoid being further traumatized (Bohner & Parrot, 1993; Kilpatrick et al., 2007). Instead, women who are victimized while drunk are more likely to disclose the incident to a friend than they are to campus or other authorities (Fisher et al., 2003).

The studies cited above not only illustrate the widespread scope of this issue, but also hint at the cultural scripts that have been established and normalize sexual violence. The development or, in some cases, the interpretation of these scripts is a hotly contested issue. Throughout the years, many groups have brought forward claims in this area, but it is feminist organizing and activism that has helped bring sexual violence to the forefront of public discussion as well as political agendas (Bevequa, 2000).

Feminist Organizing and Activism Around Sexual Violence

Feminist theory was established as a body of knowledge and a political movement aimed at understanding and alleviating the inequality experienced by women in society (Comack, 2006). With this goal in mind, early feminists targeted the issue of violence against women as both a consequence and a cause of gender inequality. Much of their battle in this area sought to have the systemic nature of this issue brought to the forefront of public and political debates. They constructed violence against women as an epidemic and rape as a tool used by men for the subordination of women (Bumiller, 2008). At the core of their movement was the belief that the oppression of women is a fundamental source of inequality in our society and that men's sexual violence is a result of the misogynist social, legal, and religious structures that order our society (Bumiller, 2008). This contention was brought forward at a time when rape was just beginning to be conceptualized and understood as a political rather than personal matter (Manhart & Rush, 1974). An influential voice on this issue belongs to Susan Brownmiller, who, in her provocative book *Against Our Will: Men, Women and Rape* (1975), theorized rape and men's violence against women as an essential element of patriarchal domination. She depicts all men as potential perpetrators; claiming that all men participate, whether directly or indirectly, in controlling women through intimidation and by exercising male privilege. In her view, rape plays a critical role in the historical subjugation of women and the maintenance of patriarchy.

The political consequence of Brownmiller's depiction of all men as potential rapists was perhaps more radical than the views held by much of the 1970's society. Prevalent stereotypes regarding sexual violence featured women's sexualized bodies as objects to be guarded from men's predatory actions, an understanding seen as natural extension of men's

and women's sexuality. Equating sex with gender has meant men are perceived as instigators, or sexual predators who are supposed to sexualize and coerce women until they give in (Ellison & Munroe, 2009; Friedman & Valenti, 2008; Smart, 1989). Female sexuality, on the other hand, is portrayed as passive, because sex is understood as something men do *to* women (Friedman & Valenti, 2008). The acceptance of such a construction of human sexuality leads to the production and acceptance of various rape myths. For instance, by accepting male sexual coercion as normal, victims are implicated as partially responsible for provoking men's naturally aggressive behaviour (Weiss, 2010). Another accepted myth is that due to the nature of the human male, once ignited, they are unable to curb their sexual desires and "in the heat of the moment" rape is the natural outcome (Ellison & Munroe, 2009:299). Feminists have opposed this "constructed normality" (Bonnycastle, 2000: 61) of sexuality and coercion, and have maintained that acceptance of heterosexual constructions of sexuality along with patriarchy and male dominance lead to the tolerance of aggression and violence against women (Comack & Peter, 2005; Friedman & Valenti, 2008; Suarez & Gadalla, 2010; Weiss, 2007). These are just some of the examples illustrating the existence of "rape culture" in our society (Buchwald, Fletcher & Roth, 2005).

Rape culture is a theoretical concept coined by the feminist movement of the 1970s and according to Buchwald, Fletcher and Roth (2005) it is a complex set of beliefs that encourage male sexual aggression and support violence against women. It claims rape is pervasive and normalized because of societal attitudes about gender and sexuality. The term was designed to show the ways in which society supports violence against women by normalizing sexual violence and responsabilizing victims for sexual assault.

In a rape culture both men and women assume that sexual violence is a fact of life which is inevitable (Buchald, Fletcher & Roth, 2005). Offenders are classified as dangerous strangers who threaten and use physical violence to rape (Bevacqua, 2000; Campbell, 1999; DuMont et al., 2003; Fisher, 2003; Sampert, 2008). The rapist is presumed to be easily identifiable from “us” based on the assumption that “normal” Canadian men do not sexually assault women (Ellison & Munroe, 2009). Thus, the perpetrator is “othered” and mystified and rare. In a study by Maine (2000) 30% of college men surveyed admitted they would commit rape if they were certain they would get away with it. This figure jumped to 58% when the wording was changed to “force a woman to have sex”. In Burgess’s (2007) study, almost half (48%) of college male students admit they would “possibly but not likely” commit a rape if they were guaranteed no penalty or other consequences (980). Many of these same college men who admit to having committed a rape do not perceive that anything unusual or aggressive had taken place arguably because of justifications and reliance on rape myths (Burgess, 2007; Koss et al., 1987; Suarez & Gadalla, 2010). Statistics like these are indicative of the normalization of sexual violence in our society.

Many men do not admit enough to sexual aggression to account for the number of victimizations reported by women (DeKeseredy & Kelly, 1993; Koss et al., 1987). It is the acceptance of rape myths that leads to attempts to distinguish between different kinds of rape, indicating some forms of victimization to be ‘real rape’ while others, like date rape or acquaintance rape, to be considered not-real rape. Several meta-analyses conclude adherence to rape myths and traditional sexual scripts contribute to sexual coercion (Anderson, Cooper & Okamura, 1997; Suarez & Gadalla, 2010). Within rape culture the pervasive narratives that there is a “typical” type of rape, a “typical” perpetrator, and a “typical” reaction *to* rape are easily accepted and internalized. People within rape culture internalize such stereotypes

as truth, and so there is tremendous resistance encountered by men when society attempts to shift responsibility for sexual violence to the perpetrator.

Feminist scholars argue that sexual violence does not occur in social and cultural isolation; instead, it is a part of a rape-supportive culture in which women are deemed responsible for their victimization (Buchwald, Fletcher & Roth, 2005). There is a cultural understanding that 'boys will be boys, so girls must take care'. The message is that women can avoid unwanted male attention if they want to and by logical extension if they are sexually harassed or attacked they must have done something to indicate they were inviting it, an outlook that displaces the responsibility for sexual violence to the victim who is (somehow) expected to know better than to let herself *get* raped (Raphael, 2012). Rape culture responsabilizes women with the burden of rape prevention. It teaches how to prevent rape by encouraging women to take self-defence classes, learn common sense, be more responsible, be aware of the risks, avoid walking alone, avoid walking in the dark, do not dress a certain way, and so on. These are not the solution to sexual violence; these are ways to displace the responsibility for prevention of sexual violence on to the victims and to silence women who lay complaints of sexual violence. In the literature, this has come to be known as victim blaming (Campbell, 1995; Bumiller, 2008; McMahan, 2010; Payne, 2007).

The goal of the early feminist movements was to eradicate and debunk predominant, prevailing, and harmful stereotypes, like victim blaming and other rape myths ⁵(Bevacqua, 2000; Bumiller, 2008; Dunn, 2010). Feminist thinkers perceive the existence of rape myths as symptomatic of the broader culture in which violence against women is normalized

⁵ These include: men rape as an act of passion because male aggression is natural; women provoke rape with their appearance and behaviour; 'real rape' is the only type of legitimate rape and it is committed by a strange, dangerous 'other'; men with good reputations do not rape; acquaintance and date rape are not 'real rape'; and women regularly lie about rape.

(Buchwald, Fletcher & Roth, 2005). Evidence of this can be obtained by analyzing the institutionalization of prevalent rape myths and the (mal)treatment of sexual assault survivors within the very criminal justice system that claims to support them.

Rape myths and stereotypes about men, women, and sexual violence have been deeply entrenched in the administration of the law. The law has been criticized for being androcentric in that it adheres to the “constructed normality” about sexual relations presuming rape narratives (Bonnycastle, 2000: 61). Rape laws and the rape trial accept androcentric definitions of human sexuality and do not readily question these proclaimed natural activities (Smart, 1989). Within these narrow definitions sexual violence is perceived as a natural extension of a man’s aggressive and uncontrollable sexuality whereas women’s sexuality is understood as “capricious” and problematic (Smart, 1989: 34). This dominant construction of heterosexual sexuality is why juries and judges are reluctant to convict men for doing supposedly natural, manly things (Ellison & Munroe, 2009; Smart, 1989).

With every sexual assault trial this becomes further ingrained because the sexual assault survivor cannot tell her victimization story in the way she experienced it. The natural language she might choose to describe her story is perceived as flawed within the criminal justice system, and so she must alter her language and adopt more legally relevant speech, a process which itself limits the way in which her story can be told (Smart, 1989).

Additionally, in order to acquire a conviction the victim must testify as a witness, cooperating with the prosecution to describe the sexual assault in ways which conform to the prosecutor’s narrative (Comack, 2006; Snider, 1994). This means she must sift through the experience to extract only those facts of the case the law views as relevant (Comack, 2006). In fact, if an expert testifies to her “psychological reaction to rape”, for example, her story is

granted more credibility than the victim's own testimony (Smart, 1989: 47). The current adversarial system is designed to arrive at the legally-relevant truth through ways which are insensitive to the needs of sexual assault survivors (Comack & Peter, 2005; Herman, 2005). The law, therefore, has the authority to assert its own version of events as the only truth, thereby disqualifying other knowledges and denying women expert status in their own case (Comack & Peter, 2005; Smart, 1989).

The insensitivity of the justice system to the needs of survivors does not begin at the trial phase. Within the criminal justice system there is customary reluctance to process sexual assault offences (Campbell, 1999; 2006; Johnson, 2012). In 2001 in Canada only 38% of the sexual assault cases reported to police resulted in some type of charges being laid; in contrast charges were laid in 58% of non-sexual assault cases (Johnson, 2012). Of those cases involving charges, less than 20% of the charges laid resulted in any type of a conviction (Johnson, 2012). Despite the legal reforms, more rape trials are found to end in acquittal or dismissal compared to other violent crimes (Campbell, 1995; Field, 1978). As a result of the adherence to the 'real rape' myth, the police and other actors within the criminal justice system are reluctant to take sexual assault victims seriously (Campbell, 1999; 2006; Johnson, 2012; Landau, 2006). The sexual assaults which are prosecuted most often are those pertaining elements of violence and a strange perpetrator because these are seen to have greater "reasonable likelihood of conviction" based on administered evidence" (Comack & Peter, 2005: 295). But with every finding of innocence, the rape trial produces a symbolic "victory for the phallogocentric values" (Smart, 1989: 34) and reproduces the rape myths that women frequently lie about sexual assault and that 'real rape' is the only legitimate type of rape (Comack & Peter, 2005). Throughout the entire legal process, decisions are made based

on the social judgements about the credibility and social worth of the victims rather than the actual facts and details of the particular case⁶ (Coates & Wades, 2004; Ellison & Munroe, 2009; Landau, 2006).

It is little wonder, then, that women are reluctant to report their victimization when they are met with disbelief, blame, or demeaning interrogations. Research findings indicate that rape victims often experience some version of post-rape trauma as a result of the non-supportive reactions of those they disclose or report to, including from the social network of the victims (Ullman, 1996), from legal services (Comack & Peter, 2005), police (Campbell, 1995/1998/2006; DuMont et al., 2003), health care providers (Ullman & Townsend, 2007) and so on. Numerous studies show how professionals in the criminal justice, health and social service fields adhere to common rape myths (Campbell, 1995; Campbell et al., 2001; Campbell et al., 2009; Coates & Wade, 2004; Comack & Peter, 2005; DuMont et al., 2003; Fisher et al., 2003; McGreggor, 2003; McMahan, 2010; Parsons & Bergin, 2010; Weiss, 2000). More often than not victimized women seeking help instead face interrogation. They are blamed for their behaviour in ways they find highly distressing and revictimizing (Campbell, 1995; Campbell et al., 1999). This has come to be known as secondary victimization (Campbell, Dworkin & Cabral, 2009; Campbell et al., 2001; Comack & Peter, 2005; Fisher et al., 2003; Patterson, Greenson & Campbell, 2009; Parsons & Bergin, 2010).

Additionally, feminist activists also engaged with the law in an attempt to better the lives of victimized women. The law acts as a powerful and authoritative social institution which plays a legitimating role in constructing discourses. Partially because of this power the law acts as a site of ideological struggle where dominant discourses are supported or are

⁶ For further readings on: police attitudes see Campbell, 1995 and DuMont, Miller and Myhr, 2003; jurors perceptions see Ellison and Munroe, 2009; and judge attributions see Coates and Wade, 2004.

challenged and replaced (Hunt, 1993). Because law is such an important site of struggle it has been approached as a means through which individuals and groups can destabilize and rewrite dominant narratives and possibly disrupt classist, gendered, sexist, misogynist, and racist discourses (Bonnycastle, 2000). It is for this reason feminist reformers engaged with the law in an attempt to improve the lives of victimized women (Bevequa, 2000; Bumiller, 2008).

After identifying a lack of enforcement of sexual crimes as a major obstacle to women's freedom within the public sphere, feminist reformers called on the state to fulfill its obligation to protect all its citizens equally (Bumiller, 2008). During the federal government's consultations on how to alter sexual violence laws, a diversity of women's groups and frontline workers submitted proposals for reform to the government, framing sexual violence as a systemic problem rooted deeply in gendered and racialized inequalities (Gotell, 2012). The main successes of the law reform resulting from these submissions included encoding a legislative definition of consent, limiting the defence of mistaken belief, and enacting restrictions on the use of the complainant's sexual history evidence (Bonnycastle, 2000; Gotell, 2012). At the same time, however, the legal reforms increased penalties for sexual assault convictions, a well-intentioned but perhaps misguided approach that resulted in making it even harder to convict perpetrators of sexual assault (Comack & Peter, 2005; Gotell, 2012; Smart, 1989).

According to Snider (1994), if the goal of feminist activity is emancipation and empowerment of women, and if this is the criteria for evaluating legal reform, then this reform was a failure. Instead of dismantling constructed normalities about sexual violence by giving more voice to survivors of sexual assault, the law codified common rape scripts

already widely accepted by society⁷ (Bonnycastle, 2000; Comack & Peter, 2005). A main critique of feminist engagement with the law is that reform feminists failed to account for the fact that when a state takes on a particular issue, it appropriates it into already existing social structures (Gotell, 2012). The framing of sexual violence as systemic by feminist reformers was inevitably channelled into a much narrower emphasis by the criminal justice reform (Gotell, 2012). Law is an individualizing and universalizing institution and so it takes social conflicts and translates them into a legal language that is familiar to law (Snider, 1994). In doing so, it is “directing attention away from collective or gender memberships and depoliticizing group conflicts” (Snider, 1994: 93). Focusing on implementing change through the legal system, therefore, individualizes sexual assault and leaves out the wider social, political and cultural relations in which rape occurs. This means the conflicts become struggles over the rights of individuals, occluding the historic and structural roots which condone rape (Bonnycastle, 2000; Snider, 1994).

Despite the criticism for aligning with the state and its neoliberal agenda, many feminist activists perceived this alliance as essential for their success in bringing the issue of sexual violence to the forefront of the public and political agendas (Bevequa, 2000). Decades of sustained agitation around rape resulted in one of the most significant feminist

⁷ For example, according to Bonnycastle (2000) constructions of the female sexual assault victim within law as well as more widely in society are accepted as “natural”. She claims this is problematic because victim identities have never protected women. In fact, when women are placed into pre-existing categories, including within legal discourse, the narratives produced reproduce and reinforce pre-existing gender constructions. These gender constructions render women vulnerable and victimizable. Furthermore, Bonnycastle (2000) argues feminists need to rethink their own contributions to the emergence of these types of narratives of women. Rape as a social script denotes an interaction that takes place in language and can be understood in terms of conventional masculinity and femininity, placing individuals into already pre-existing identities of rapist and raped. In other words, rape is socially constructed via gender performances that render women vulnerable. These types of social scripts need to be questioned and deconstructed because much of what is accepted as truth is an expression of values and attitudes that can, and do, change under the right cultural, social, economic, and political climates.

achievements of the 1970s: the establishment of government funded rape crisis centers (RCCs). In Canada, RCCs originated with the establishment of the Vancouver Rape Relief in 1973, followed by the Toronto RCCs in 1974 (Beres, Crow, & Gotell, 2009). Currently there are 129 operational sexual assault centres across Canada representing 14% of all victim services available in Canada, while the majority (36%) are police-based services (Allen, 2014). Early RCCs emerged through grassroots organizing with a goal not only to provide (peer) support and a safe space for sexually assaulted women but also to create social change by challenging social structures that enable sexual violence in society and women's oppression within it (Beres, Crow, & Gotell, 2009). The early centers not only recognized the need for less hierarchy and more consensus-based decision making, but they were explicitly political and engaged in direct activism (Beres, Crow, & Gotell, 2009; Bumiller, 2008). As these organizations matured, they faced both internal and external pressures for bureaucracy and professionalization (Beres, Crow & Gotell, 2009; Bumiller, 2008). The need to sustain stable governmental funding led many of these initially feminist organizations to change their goals and more closely align their organization with the operation of the government funding agencies (Beres, Crow, & Gotell, 2009).

This shift towards bureaucracy and professionalization was a key concern of the feminist movement due to the fear that alignment with the state would increase the presence of state-based interventions into anti-rape work. These fears were not unfounded and to a large extent this is precisely what occurred. Desire for stable state funding subjected RCCs to evaluation by governmental bureaucracies and pushed feminist organizations on the "terrain of the state" (Bumiller, 2008: 5). Strictly feminist organizations found themselves in a position where they had to depoliticise and degender their services in order to secure funding

(Beres, Crow, & Gotell, 2009). Funding to centres became predicated on adherence to gender-neutral victim services frameworks, thereby reducing the autonomy of RCCs, undermining the activist role of centers, and “privatiz[ing] and individualiz[ing] the problem of sexual violence” (Beres, Crow, & Gotell, 2009: 137). This led to standardized procedures, increased emphasis on surveillance, and defining victim-focused interventions (Bumiller, 2008). Many feminists expressed concerns that this would lead to the deradicalization and depolitization of the RCC movement, “transforming explicitly feminist organization into professionalized social service organizations” (Beres, Crow, & Gotell, 2009: 140). While alignment with the state was deemed necessary to achieve particular goals, this alliance came at the price of individualizing and universalizing the social problem of sexual violence.

Regardless of the successes, feminist advancements have faced backlash characterized as a more of an ideological battle through the media than a countermovement involving lobbyists and legislators (Bevacqua, 2000).

Resistance to Feminist Achievements

Backlash against the gains of recognizing and supporting women victimized by men’s violence comes from patriarchal resistance groups such as fathers’ rights. These groups are a key location where resistance to gender-sensitive antiviolence policies is propagated (Berns, 2001; Dragiewicz, 2008). The first major strategy of such groups is to remove gender from the framing of the problem while calling for formal equality (Berns, 2001; Dragiewicz, 2008). This strategy of “degendering the problem” plays a central role in resisting attempts to situate social problems within a patriarchal framework (Berns, 2001: 265). Degendering the problem refers to cases where patriarchal resistance groups claim violence is a “human” issue rather than a woman’s issue (Berns, 2001: 265). To prove this,

they rely on arguments that men and women are equally violent and equally responsible for provoking and perpetuating violence and they therefore pushed for formal equality (Berns, 2001; Dragiewicz, 2008). Furthermore, they claim gender neutral laws are not being enforced equally because men are targeted more by the police (Dragiewicz, 2008). Fathers' rights groups are affronted by a criminal justice system that treats men unfairly (Dragiewicz, 2008). They also claim that patriarchy does not exist while arguing to reassert the male-headed nuclear family (Dragiewicz, 2008). In their attempts to degender violence, these groups gender the blame by focusing on the culpability of women (Berns, 2001). Attempting to degender violence against women in a context where social patriarchy and rape culture are prevalent undermines the role of gender and power in abuse, ignores the role of socialization in creating gender differences, and disregards the common cultural attitudes society holds about women (Berns, 2001; Smart, 1989).

Much of this fathers' rights backlash rhetoric was aimed at the U.S. Congress's use of Koss's (1987) study to establish the need for the (U.S.) Violence Against Women Act of 1994 (Dragiewicz, 2008; Loseke, Gelles, & Cavanaugh, 2005). The act established federal funding for prevention and intervention programs and articulated a national position statement on the criminality of violence against women (Dragiewicz, 2008). Father's rights groups criticized the findings of the study, claiming the results are implausible (Dragiewicz, 2008). What this type of backlash rhetoric did is provide "vocabularies of adjustment" that allow father's rights groups to safely attack anti-violence initiatives that received political and public support (Dragiewicz, 2008: 126). These types of counterclaims serve only to divert attention away from men's responsibility in perpetuating violence, as well as the cultural and structural factors that oppress women and foster violence (Berns, 2001). Hence,

the major implication of this backlash is the normalization of violence against women (Berns, 2001). Despite the critics' denunciation, congress concluded "expenditures for prevention interventions on college campuses were not only justified, they were imperative" (Loseke, Gelles, & Cavanaugh, 2005: 111).

While it is beyond the scope of this thesis to analyze the masculine and feminine gender constructions, it is important to note that gender is fluid and not natural, essential, or biological (West & Zimmerman, 1987). Gender is one of the major ways in which we organize our lives. When we classify individuals as 'man' or 'woman' we are assigning them different roles and responsibilities, characteristics, feelings, motivation, and ambitions which are not necessarily natural because of their sex (Lorber, 1994; Martin, 2004). The gendered practices of daily life reproduce hegemonic understandings of how women and men should behave (Bourdieu, 1980/1990). West & Zimmerman (1987) argue that boys appropriate their gender ideal of "efficaciousness," or being able to affect the physical and social environment through exercise of physical strength or appropriate skills; girls, on the other hand, learn to value "appearance" and manage themselves as ornamental objects. As per Messerschmidt (2005) (cited in Bonnycastle 2000), hegemonic masculinity as expressed through work, subordination of women, heterosexism, the driven and uncontrollable sexuality of men, and the suppression of alternative masculinities, is problematic because all men do not have equal access to resources needed to perform masculinity and some may resort to violence and dominating behaviours toward women and other men to compensate.

Bonnycastle (2000) analyses how gender constructions are inherently unstable and subject to change, always in the process of rematerialization. While hegemonic masculinity is "permanently at risk" it also is compelled to repeat itself in order to maintain "the illusion

of stable, coherent, masculinised subjects” (68). On the other hand, linking femininity to a paradigm of sexual passivity is a modern emergence, stemming from a recent form of constructed heterosexuality. This construction of females as sexually passive and males as sexually conquering also materializes in legal discourse. One such example is the construction of consent laws which invoke an already existing power relationship between two people, where one person permits, or submits to, actions initiated by another, and the other takes the active role of asking for (or assuming) consent. In this way, law is gendered and it fixes already existing power relations of victim and vulnerable (as female) and victimizer (as male).

Furthermore, Bonnycastle (2000) argues law codifies rape scripts by naturalizing power relations between men and women. In other words, rape is a script pre-existing subject identities of rapist and raped. The rapists, or the subjects of violence, are always male, and the raped, or the subjects of fear, are always women. When feminists engaged with the law they created juridical subjects who are created by their insertion into “preconstituted discursive subject positions” thus constructing identities such as “the raped woman”, “the battered woman”, and “the welfare mother”. She argues this codifies females as naturally vulnerable to men’s agency and becomes another mechanism of rape scripts which can never protect women as they perpetuate a discourse of domination. If we codify male sexuality as unchangeable and coercive, then we are controlling and censoring not only femininity, but also alternative masculinities as well. Bonnycastle (2000) recommends uncodifying rape by destabilizing and rewriting rape narratives within the legal terrain—by letting women tell their stories.

Construction of the Rape Victim

The influence of the legal system on the issue of sexual violence is far reaching. Mainstream definitions of the victim are firmly rooted in both the formal relations of the criminal process and positivist assumptions about crime and criminology (Landau, 2006). The way the criminal justice system frames the relations between the victim and an offender reflects positivist assumptions about criminological phenomena, including that there is an essential difference between criminals and victims (Landau, 2006). Victims and perpetrators exist in a “methodological duality” whereby the victim acts as a witness and a subject for treatment whereas the perpetrator is a “dehumanized offender” (Bumiller, 2008: 13). This forced dichotomy for understanding victimization and criminalization as an either/or leads to a type of false duality of suffering and oppression as moral opposites (Dunn & Powell, 2007) where superiority is associated with certain types of victims and never oppressors who are always constructed as morally inferior (Lamb, 1999).

As it stands, the legitimacy of a victim is not determined by the sense of violation a survivor feels, but instead by the various organizational definitions as defined through the “language of professionals” (Bumiller, 2008: 89). The current cultural and political belief in risk and agency deem legitimate and deserving the archetypical innocent and vulnerable victim (Dunn, 2010). Niels Christie (1986) integrates the victim, offender, and the broader power relations at play when defining the ideal victim. The “ideal” victim is a person whom society readily assigns “the complete and legitimate status of being a victim” (17). The attributes of the ideal victim include: the victim is weak; she was carrying out a respectable project; she was where she could not be blamed for being; the offender was bad; the offender was unknown to her; and the victim makes her case known and successfully claims a status

as a legitimate victim (21). People who do not easily fit into this ideal victim construction become undeserving victims who may never acquire legitimate victim status. Acquiring victim status is important as the narrow definition of ‘real rape’ restricts access to many resources to only those deemed legitimate victims (Landau, 2006).

The ideal victim construction fits well with the stereotypical image that society holds of the ‘real victims’ of sexual assault, which in turn fits quite well within the neoliberal political and economic climate of our time. Current neoliberal beliefs denote a shift in emphasis away from collective or social values and toward notions of individual responsibility where people are encouraged to see themselves as active subjects responsible for their own well-being (Comack & Peter, 2005). Even prior to becoming victimized, women must ensure their safety by limiting their actions and mobility (Gotell, 2012). Gotell (2012) analysed the Toronto balcony rapist warnings “in the context of neoliberal erosion of feminist equality gains and the reassignment of the responsibility for managing the risk of rape to individual women” (243). She emphasizes the fact that victim status has become predicated on the avoidance of certain risky behaviours such as drinking, flirting, or dressing provocatively. Currently there is a belief that if risk can be managed, then rape can be managed. Risk management and sexual safekeeping have therefore become the primary governmental technologies for responding to sexual assault (Gotell, 2012). As a result of this, women can only get access to protection by adhering to disciplinary norms of rape prevention (Gotell, 2012). Women who “fail to adhere to the rules of sexual safekeeping are in turn blamed for the violence they experience” (Gotell, 2012: 257).

The cultural code of agency indicates that all individuals have free will, and so because of “public victim contests which privilege choice” individuals who find themselves

victimized due to the wrong choices they made are considered unworthy victims (Dunn, 2010: 28). According to Lamb (1999) there is a tendency within our culture to designate certain groups as appropriate or deserving of victimization status while at the same time shaming those who do not fit the ideal victim construction. Dunn (2010) discusses two types of such victims: the pathetic victim and the blameworthy victim. A pathetic victim is one who is portrayed as naïve and gullible, evoking pity or even contempt instead of sympathy. She is perceived as “weak, helpless, dependent, or passive” because in our culture strength and personal responsibility are highly valued (166). The blameworthy victim, on the other hand, is perceived as responsible for her victimization because she does not conform to society’s stereotypes and productions of victim identity. For example, if a victimized woman is perceived to have violated gender norms, then she is treated as though she is deviant and is blamed for playing a part in her victimization. A sexual violence survivor is responsabilized and often blamed for the assault if she admitted to flirting with the offender prior to the incident, if she allowed him into her home or went to his, if she consented to some sexual acts but not others, or if she was intoxicated at the time of the assault (Campbell, 1995; DuMont, Miller, & Myhr, 2003; Payne, 2007; Sudderth, 1998; Weiss, 2007). As a result, unworthy and unsympathetic victims who fit into these categories encounter negative and stigmatizing representations and are not readily designated or treated as legitimate victims (Dunn, 2010).

Victim blaming has been, and continues to be, predominant in our society. As is evident by the aforementioned types of victims, women are subjected to contradicting norms leading to what Dunn (2010) calls “stigma either way” (52). A victimized woman becomes “too much the victim” if she passively submits, and she becomes a participant if she was not

helpless, passive, or overwhelmed by the attack (53). Women who have survived violence have become acutely aware of the shame associated with the term victim, therefore they use survivor vocabularies of motive to represent themselves as “strong, capable and empowered to ‘move on’” (Dunn, 2010: 21). They chose “not to ‘be’ victims unless resiliency, agency and strength are part of the definition” (Lamb, 1999: 126). Furthermore, it is of particular significance to look at the cultural forces that support certain labels over others and the functions of each of those labels, and not to readily assume it is an individual survivor’s choice to be placed in that category (Lamb, 1999).

Chapter Summary

Feminist organizing and lobbying have been successful in altering some of the societal conceptions around sexual violence and the way survivors are treated. While there are substantial difficulties in overcoming discourses that have achieved a dominant position in society, these discourses can be altered and given the right political, cultural, and economic climate, even marginal discourses can find openings to influence the dominant constructions of a particular issue. The way an issue is framed resets, reproduces, and reinforces the parameters of how real people are defined and treated. The social constructionist theory outlines the claims-making activities that determine the ways in which social problems and people are constructed. The following chapter presents this theoretical background.

Chapter 3: SOCIAL CONSTRUCTIONIST THEORY

This chapter presents the social constructionist theoretical background for this thesis as outlined by Joel Best (2008) and Donileen Loseke (2003) along with several other social-constructionist theorists. However, Best (2008) and Loseke (2003) were the most influential to this thesis because they outline the claims-making process thoroughly. Loseke has written directly about the social construction of violence against women which was useful in conceptualizing the framing of sexual violence. This theoretical chapter begins by explaining how social problems are constructed and by whom. Next, I discuss how claims-making activities are constructed and by whom, followed by the role of counterclaims in the claims-making activities.

Construction of Social Problems

Social constructionist theory originated to understand the way that people assign meaning and significance to the world around them (Best, 2008). With its roots in ethnomethodology, social constructionism seeks to understand how practical actors create and sustain a sense of reality (Loseke, 2003). The focus of this theory is on how humans understand the world to be, on the processes that produce these understandings, and the way in which meaning is constructed through human activity (Loseke, 2003). According to social constructionists, knowledge is socially constructed. Nothing exists in the social world where meaning lays inherently in an object itself as it is humans that give it meaning (Loseke, 2003). Social constructionists view knowledge as a human and political construction because it is larger social, political, economic and cultural terrains that play a significant role in determining why certain discourses prevail and others become silenced (Comack, 2006; Loseke, 2003). This is in part because of prevailing discourses are perpetuated and reinforced

by dominant claims-makers of dominant institutions. A critical component of the social constructionist perspective, therefore, is claims-making.

Identifying a phenomenon as a social problem involves considerable controversy and debate as social problems are rarely members of a stable category; instead they involve subjective judgments about what constitutes a social problem and those often change over time and space (Best, 2008; Loseke, 2003). Within the modernist era, objectivist approaches have dominated much of criminological and sociological social knowledge (Loseke, 2003). These approaches self-legitimize by referencing objective grand theories (Bevacqua, 2008) that provide a definitive statement about how something is and how it ought to be (Loseke, 2003). Social problems are seen as real, tangible and measurable, as though they can be explored and discovered through the use of scientific techniques valuing universality, objectivity and neutrality (Loseke, 2003).

Social constructionists, on the other hand, believe social problems go beyond objectivity and into subjective definitions because they are worrisome conditions independent of their verifiable existence (Loseke, 2003). Critics of the objectivist perspective challenge the assumption that there are universal truths about human behaviour (Bevacqua, 2000). They argue objectivists fail to recognize the significance and subjectivity of the claims-making process in establishing a verifiable social problem (Ibarra & Kitsuse, 1993). Social constructionists aim to deconstruct social interactions, particularly communication, language, and common knowledge in order to understand the process through which hegemonic consensus is developed around specific claims (Spector & Kitsuse, 1987). Although social problems cannot be narrowly defined, social constructionists agree that they are a consequence of claims-making activities (Best, 1995). These are the activities of

individuals or groups making assertions and claims with respect to some troublesome conditions which may or may not objectively exist (Best, 1995). In other words, social constructionists are concerned with explicating social problems as constituted by claims-making activities, or conditions *alleged* to exist, regardless of the objective verifiability of the condition (Ibarra & Kitsuse, 1993; Spector & Kitsuse, 1987). Thus the focus of this theory is the claims-making process, the emergence, nature and maintenance of claims-making and the responding activities (Spector & Kitsuse, 1987).

Central to the deconstruction of social interactions is the interrogation of discourses, such as meanings and assumptions embedded in forms of language use, ways of making sense of the world, and corresponding practices (Comack, 2006). Social constructionists focus on deconstructing social rather than individual knowledge, referring to “ideas, interpretations and knowledge that groups of people agree to hold in common” (Surette, 2007:32) which are passed on and communicated through language (Loseke, 2003). Seeing as language plays a significant role in the construction of understanding of reality, social constructionists emphasize everyday interactions between people and how they use language (Best, 2008). Through language individuals can frame a social problem as a troublesome condition that undermines the well-being of some or all members of society (Best, 1995). The study of social problems from a constructionist point of view seeks to analyze this process by examining how and why particular conditions come to be constructed as social problems (Best, 2008). Overall, in order to be considered a social problem the condition must be constructed as troublesome, prevalent, and changeable (Best, 2008). This theory is a particularly useful tool through which to understand the construction of social problems (Best, 2008). The people constructing social problems are called claims-makers (Best, 2008).

Claims-Makers, Hierarchy of Credibility, and the Power to Label

Social constructionists are also interested in the claims-makers, or the people making claims about a social condition they find troubling (Spector & Kitsuse, 1987), and the various audiences to which claims are addressed are the two key categories of groups of people who are significant to the construction of a social problem (Best, 2008). Claims-makers construct notions about the causes of the troubling conditions, assign blame, and locate the officials responsible for rectifying the conditions (Spector & Kitsuse, 1987). They construct the parameters of the conditions when they define what to include in it, such as the definition of a troubling condition and the harm resulting from it, including the number and types of victims (Loseke, 2003). The focus of the theory is on how, by whom, and why certain conditions come to be constructed and typified (Best, 1995; 2008). Social constructionists agree that no condition can exist as a social problem until it is defined as such by a number of successful claims-makers, whether it is individuals or institutions (Loseke, 2003).

The success of a social problem, therefore, depends on where claims-makers fit on the hierarchy of credibility (Loseke, 2003). Primary claims-makers, called the insider claims-makers, are well connected with policy makers and therefore their interests are routinely considered and represented (Best, 2008). Due to their credentials, their claims carry more weight. Individuals such as activists, nongovernmental organizations, and victims are the outside claims-makers who do not hold strong political ties making it harder for them to convince audience members (Best, 2008). These individuals, who are often part of a social change group, frequently resort to attention grabbing tactics, like rallies and demonstrations, to bring attention about the social problem to the public and the media (Best, 2008; Loseke,

2003). According to Spector and Kitsusesse (1987) claims-makers use either conventional or unconventional forms to express complaints and demands: in the former members may register routine claims of their institutions which are quickly recognized as legitimate, and in the latter more effort is required to have one's claim successfully recognized as such.

Audience members are the people claims-makers must convince of the validity of a social problem and they are not equal (Best, 2008; Loseke, 2003). Some audience members' evaluations of claims are more worthy than others because they are higher on the hierarchy of audience significance (Loseke, 2003). If the claims-makers are successful in persuading those audience members higher on the hierarchy, they have the power to influence organizational and policy changes (Loseke, 2003). Because of power imbalances some claims-makers resort to other tactics, such as attention grabbing techniques targeting a large number of people rather than targeted audiences (Loseke, 2003). It is important for claims-makers to convince audience members of the existence and significance of a particular troubling condition, as a social problem cannot be considered as such until it is both defined by claims-makers and accepted as such by audience members, indicating the opinion of the audience members is extremely important (Best, 2008).

When activists or other claims-makers are successful in making particular frames recognized and acknowledged as the best way to understand an issue, they gain ownership of the particular social problem (Loseke, 2003). Owners of a social problem have the power to publically define who is and who is not a legitimate victim deserving of attention and of resources (Landau, 2006). Experts for instance, are presumed to possess authoritative knowledge that qualifies them to interpret social problems (Best, 2008). Experts can be scientists and professionals who are generally at the top of the hierarchy of credibility

because they have been accorded a higher status which legitimizes them and allows them to outweigh other truths (Smart, 1989). These individuals, although they may or may not adopt their own rhetoric, have instrumental reasons to promote certain types of claims (Spector & Kitsuse, 1987) that will likely serve their agency's interests and increase its power, influence, or budget (Best, 2008). The hegemonic claims made by certain *types* of people (Loseke, 2003) gain dominance over a particular social issue (Snider, 2010). While a social problem can have many owners, there are usual sources, such as experts, generally contacted by the media when information is required on a topic (Best, 2008).

When activists or other claims-makers are successful in advancing particular frames as the best way to understand an issue, they gain ownership of the particular social problem (Loseke, 2003). Owners of a social problem have the power to publically define who is and who is not a legitimate victim deserving of attention and of resources (Landau, 2006). Experts for instance, are presumed to possess authoritative knowledge that qualifies them to interpret social problems (Best, 2008). Experts can be scientists and professionals who are generally at the top of the hierarchy of credibility because they have been accorded a higher status which legitimizes them and allows them to outweigh other truths (Smart, 1989). These individuals, although they may or may not adopt their own rhetoric, have instrumental reasons to promote certain types of claims (Spector & Kitsuse, 1987) that will likely serve their agency's interests and increase its power, influence, or budget (Best, 2008). While a social problem can have many owners, there are usual sources, such as experts, who are generally more vocal when information is required on a topic (Best, 2008). These individuals help reproduce hegemonic understandings of social problems by framing the issues in a particular way that is congruent with the social, cultural, economical, and political climates of the era.

Framing Claims: Grounds, Warrants and Conclusions

A major factor in determining the success of a claim depends on the way claims-makers frame the issue. Claims are statements about troubling conditions that claims-makers believe ought not to exist (Spector & Kitsuse, 1987). A claim is a verbal, visual or behavioural statement seeking not only to persuade audience members to define a troubling condition as a social problem, but also as a problem that can be, and needs to be, remedied through human intervention (Loseke, 2003). They are demands that one party makes upon another to ensure change (Spector & Kitsuse, 1987). According to Best (2008) claims consist of grounds, warrants, and conclusions. Grounds are assertions of fact made about the existence of a particular social problem. They are constructed when claims-makers define the parameters of the troubling condition by specifying the harm caused, the perpetrators, and the victims of that harm (Loseke, 2003). Warrants justify how and why audience members ought to react (Best, 2008). For instance, when a condition is claimed to violate social and cultural values such as justice, fairness or equality, it is easier to frame it as a social problem people must be concerned about (Best, 2008). The last part of the claims-making activities is the conclusion aimed to provide insight and solutions on what ought to be done to alleviate or eliminate the problematic condition (Best, 2008). Grounds, warrants, and conclusions are successful when framed in the context of familiar values, beliefs, images, or other cultural elements (Best, 2008) using few or no moral ambiguities to typify the problem (Loseke, 2003). According to Best (2008) and Loseke (2003) social problems can be framed through three components: the diagnostic frames, the motivational frames, and the prognostic frames.

Diagnostic frames construct the parameters and the meaning of a particular social condition by identifying the nature of the social problem (Best, 2008). Social problems often have multiple constructions thus any problem construction can have multiple diagnostic

frames (Loseke, 2003). Competition in several arenas makes it harder to compete in the social problems marketplace where claims are brought forth (Best, 2008). Claims-making rhetoric must therefore feature the most urgent rhetoric that things are worse than they seem, deteriorating, and that the problem needs to be eradicated immediately (Best, 2008). In order for claims to be successful claim-makers must adhere to Best's (2008) aforementioned rhetorical recipe. Drawing upon a cluster of images and official statistics, they typify and name the problem, and they suggest the scope of the problem and its significance to society (Best, 2008; Ibara & Kitsuse, 1993).

Ibara and Kitsuse (1993) draw our attention to the distinctive but conventional ways of speaking and reasoning that claims-makers use. Claims-makers use language to situate social problems in a moral universe through the use of moral vocabularies, including, for example, vocabularies of motive and vocabularies of victimization (Dunn, 2010). These vocabularies provide audience members with a set of themes and symbols to make them acknowledge and import the values expressed in a claim. Ibara and Kitsuse (1993) have constructed a list of vocabularies most frequently and successfully used by claims-makers that include the rhetoric of: loss; entitlement; endangerment; unreason; and calamity. A successful claim put forth in the diagnostic frame is a simple claim, simultaneously denying the complexity of the social problem while dramatizing certain aspects of it (Loseke, 2003).

There are two broad ways of constructing diagnostic frames to link social problems (Loseke, 2003). The first attributes social causes of a condition to social structures and social forces such as sexism, prejudice, and racism. The second claims causes are inside individuals and can be attributed to ones behaviour, personality, and beliefs. In the era of the market citizen the ethos of individual responsibility prevails (Amable, 2010). The focus on individual pathology mystifies structural inequality and functions to obscure more structural

forms of pathology (Burdis & Tombs, 1998). This means many structural issues are individualized and treated as a one-off while at the same time effectively shifting the responsibility and blame from structures to individuals (Tombs & Whyte, 2007).

According to Ibara and Kitseuse (1993) claims-making styles express a variety of ways of engaging in moral representation and understanding a social problem. Claims can be brought forth in a variety of styles, including the legalistic, scientific, comic, civic and subcultural styles. These styles differ in the language and tone with which the claims are made. In our era, the most successful claims are made in the scientific or legalistic styles as they supposedly lend objectivity to claims because they are considered more reliable and credible (Ibarra & Kitsuse, 1993; Loseke, 2003). The legalistic style is premised on the notion that the claimant is in fact speaking on behalf of another party, such as a defendant or plaintiff, and that the merits of that party's case are consistent with rights and protections embodied in law (Ibara & Kitseuse, 1993). Legalistic claims are presumably neither figurative nor symbolic, but rather particular and specific, with the full weight and prestige of institutional justice supporting them (Ibara & Kitseuse, 1993). Claims brought forth in other styles tend to be lower in the hierarchy of credibility and are therefore less successful (Loseke, 2003).

When defining a condition as a social problem, claims-makers must not only appeal to logic but also “draw artfully from the culture in which they are situated” (Dunn, 2010: 16). Successful claims then are those which effectively link a social problem as violating one or more cultural themes, including our sense of justice, fairness, equality (Best, 2008), nationalism, capitalism, family, fair play, religion (Loseke, 2003), and importantly for claims-making around sexual violence individualism, autonomy, and agency (Dunn &

Powell-Williams, 2007). Claims-makers must use motivational frames appealing to emotion and emotionally charged points in order to engage with the audience and encourage extreme feelings of sympathy or hate (Dunn, 2010; Loseke, 2003; Mopas & Moore, 2012). Social movements are dominated by storytelling and their use is “strategic, emotional and persuasive” in an attempt to minimally, raise awareness, and ultimately, become a part of policy making (Dunn, 2010: 18).

Claims-makers often use dramatic, typifying narratives to appeal emotionally to audience members. These Social Problems Formula Stories (SPFS) are narratives which produce instances of problems, and exemplify stories establishing and dramatizing harm (Best, 2008; Dunn, 2010; Loseke, 2003). They are formulaic and melodramatic stories (Dunn, 2010), constructing the problems in a particular light, by emphasizing some aspects while ignoring others, promoting specific orientations, and focusing on particular causes advocating particular solutions (Best, 1995). SPFS constructs are effective because they reduce the scope of the problem becoming easy to understand moral tales (Loseke, 2003). This inevitably oversimplifies the complexity of the problem and the people involved (Dunn & Powell-Williams, 2007). For example, the emerging vocabularies for battered women who stay are presented in an agency continuum, where victims are constructed as trapped and survivors as agents who make choices (Dunn, 2005: 2). Images of abused women have been “powerful tools in the hands of claims-makers” constructing the social problem of violence against women (Dunn, 2005) by using highly emotive language to describe symptomatology (Lamb, 1999).

Claims-makers construct social problems through the process of typification. Typical stories are constructed as moral tales and melodramas dramatized through “extravagant expression, strong emotionalism, heroic confrontation between good and evil, and the need

to choose sides” (Loseke, 2003: 91). The goal is to inspire moral shock and to motivate audience members to think, feel, and ultimately act a certain way (Best, 2008; Loseke, 2003). The plot of the story is usually constructed as extreme harm done under extreme circumstances often to good, undeserving people. By giving orientation toward a problem claims-makers are able to typify conditions and the people affected by those conditions using a variety of languages, imagery and various other forms of explanations (Best, 2008). Typifications, however, are rarely ever typical of real life (Best, 2008). More than anything, they are a helpful tool allowing claims-makers to situate their claims without much opposition or counterclaims (Loseke, 2003).

The language used to make a claim both shapes and is shaped by what people think and what the values and expectations of a particular era are (Dunn, 2010). Claims-makers have unique motives which are shaped by a variety of resources (Ibara & Kitseuse, 1993). Motives are a tool or a resource available in the language and culture of groups to be used when certain kinds of questions about the meaning and purpose of some line of activity arise (Ibara & Kitseuse, 1993; Spector & Kitsuese, 1987). According to Loseke (2003) claims-makers have a wide choice of values that may be used to articulate a claim which are chosen strategically according to the agency, organization, or institution to which the claim is directed. Claims-makers use motivational frames to persuade audience members by either appealing to logic or appealing to emotion (Loseke 2003).

The belief that something can be done about a condition is a prerequisite to it being accepted as a social problem (Best, 2008; Spector & Kitsuese, 1987). Prognostic frames construct solutions to the claimed social problem (Loseke, 2003). They provide a conclusion, or statements on what ought to be done to alleviate or eliminate the problem (Best, 2008). Claims-makers must persuade audience members that the solutions proposed

are compatible with cultural themes and that they are better than the problem (Best, 2008). Solutions to the proclaimed emergency must be seen as relatively easy and inexpensive to implement (Loseke, 2003). They help raise concern and awareness in the short term but in the long run they can inform policy change and program implementation (Best, 2008). Claims-makers must, therefore, persuade their audience through a number of techniques that the condition is important enough to warrant the allocation of time, worry, and resources towards the eradication of the social problem.

Once a social problem has been acknowledged and accepted as such within the political realm, social problems work begins in an attempt to address the issue. Through social problems work the constructions of a social problem or a social policy are applied to immediate practical situations (Best, 2008). Social problem workers are individuals working within an industry where they are given the right to be “eligibility workers” (Dunn, 2005: 14) as they construct cases and categorize clients as eligible or ineligible for services depending on their assigned victim status (Best, 2008; Loseke, 2003). Power is allocated from the top-down as social problem workers belong to hierarchal and bureaucratic organizations (Best, 2008). They are governed by the beliefs of the organization and they support their claims with evidence of organization activity through agencies records (Best, 2008). They believe in order to benefit from the process social problem workers must guide the client to redefine their selves and their problems (Best, 2008). Clients are expected to adopt the organizational and pre-assigned victim identity and follow the prescribed program in order to get better (Best, 2008).

Claims-makers partake in social problems work when they use typifications and categorizations to characterize a social problem’s nature (Best, 1995; Loseke, 2003). These

are important because they influence thoughts, attitudes and behaviours, allowing for a more or less predictable reaction (Best, 1995; Loseke, 2003). People have an image of “typical kinds of things” which are used as social resources to help with the organization of the complicated world around us (Loseke, 2003: 17). It is important to analyze how these stories are framed, what types of people they produce, and how the media interprets these stories and people, in order to see how real people are constructed and typified. In a complex world, human beings attempt to fit knowledge into different, pre-established boxes in order to make sense of it. People often rely on “types” of things, conditions, and people in order to help us organize and categorize information, while making an evaluation over current situations (Loseke, 2003). The way individuals react to typical cases used as examples come to represent the larger problem in society (Best, 1995).

Constructing Collective Identities: Typifying Victims and Villains

Collective identities are built by and through shared feelings toward a particular object or types of people (Mopas & Moore, 2012). Claims-makers create powerful collective identities of types of people who are valued or devalued and who do not exist until they are constructed as such through SPFS (Loseke, 2003).

In order for claims-making to be successful, offenders must be constructed as fundamentally different from victims. Drawing on feminist theory and psychoanalysis, Young (1996) argues the distinctions we make between community and the criminal ‘other’ are the results of how we imagine the effects of crime. Young (1996) represents community as either a particular space or as a group of individuals who are law-abiding, while individuals designated as criminals are portrayed as external threats that come from beyond the community. Chenier (2008) explores the construction of the sexual deviant in post-war

Ontario and emphasizes how the construction of the sexual psychopath by various experts in the psychiatry and legal fields ultimately propped up the myth of stranger danger and insulated the family from scrutiny of the law. The 1969 report of the Canadian Committee on Corrections concluded that the dangerous sexual offender law was reserved for those who fit the stereotype of the sexual deviant, which is the unattached outsider (Chenier, 2008).

Within our culture of individualism and binary thinking, a forced dichotomy for understanding victimization and criminalization as an either/or leads to a type of false duality of suffering and oppression as a moral opposites (Dunn & Powell-Williams, 2007). Superiority is associated with certain types of victims and never oppressors who are constructed as morally inferior (Lamb, 1999). Defining who is a victim generally reflects positivist assumptions about crime and its causes, further emphasizing the distinctiveness of victims from offenders (Landau, 2006).

Just as there is a hierarchy for claims-makers and audiences, there is also a social hierarchy of victims, where everyone claiming to be victimized is ranked for believability, leading to contests on legitimate victim status (Dunn, 2010). These contests allow for victim status to be “negotiated, contested and imposed” (Dunn, 2010: 15). Survivors become official, legitimate, and deserving victims only when they fit the organizational characteristics set out by experts and politicians, regardless of their own self-identification (Best, 2008). The audience members have certain feelings about certain types of victims, for example, they feel admiration for survivors, sympathy towards those who are trapped, blame those who may have somehow participated in their victimization, and feel contempt toward pathetic victims (Dunn, 2010). The central character in the SPFF is the ideal victim who is

relatively weak, carrying out a respectable project, not easily blamable as the offender is a strong stranger (Christie, 1986; Loseke, 2003).

Collective identities are important and particularly powerful for two main reasons: firstly they can be a resource for creating a sense of personal self and making sense of others; and second they can influence people's reactions based on how they are categorized (Loseke, 2003). The term victim is a label that becomes a process of identity construction (Dunn, 2011: 211). An individual case must conform to the public image of the social problem in order to fit into that category (Loseke, 1987). Victimization presents an "identity dilemma" as the victim must identify with her victim status in order to participate in social movements or receive aid (Dunn, 2010: 193). In individualistic cultures, victims have to choose between strength and vulnerability because "empathy for victims has been so fleeting a reaction, and as belief in individual responsibility has become a 1990s motto, victims have chosen increasing numbers not to 'be' victims unless resiliency, agency and strength are part of the definition" (Lamb, 1999: 126). So while it is initially an effective strategy to construct victims as pure and innocent, it comes at a high cost of personal identity (Loseke, 2003). Thus, it is of particular significance to look at the cultural forces that support certain labels over others and the functions of each of those labels, and not to readily assume it is an individual survivor's choice to be placed in that category (Lamb, 1999). The legitimate status of a victim is awarded in cases where the victim's circumstances align with the typical images of victims which are produced through claims-making (Dunn, 2010).

Victims have been used to serve the interests of politicians or criminal justice practitioners for years (Fattah, 1986). This becomes obvious when considering most of these projects aimed at fulfilling victims needs have actually been set up without regard or

consideration to victims' expressed needs (Fattah, 1986). Most of the available services for victims in Canada do not focus on healing the victims. Instead they have become institutionalized, focusing primarily on providing information about the status of the victim's case, the court process, or the criminal justice system procedures (Landau, 2006).

Counterclaims: Competition and Resistance within a Contested Terrain

Determining what a social problem is and how it is dealt with depends on when and where the condition happened and on the claims and counterclaims of the claims-makers involved (Loseke, 2003). When claims are brought forth, they compete in what Best (2008) calls a social problems marketplace. It is here that claims are brought to the attention of the media, the public, and policy makers. Due to this competition, claims-makers are encouraged to devise dramatic, disturbing and easily grasped claims. So the simpler the claim, the more effective it will be, because the more we know about a particular condition and particular people in those conditions, the harder it becomes to categorize the condition or person as *a type* of condition or person (Loseke, 2003). Real life cannot be easily typified and this leads to counterclaims and disagreements which are not easy for audience members to keep up with, and so extremes are used because they are effective in eliminating the possible counterclaims (Loseke, 2003). Often claims-makers also use vocabularies of victimization which only serve to bolster claims in order to minimize the amount of counterclaims (Dunn, 2010).

Counterclaims are an argument in direct opposition to the original claims contesting the social problem is really tolerable and therefore not problematic (Best, 2008).

Counterheterics block either the attempted characterisation of the troubling condition, or the call to action, or both (Ibara & Kitseuse, 1993). Rhetorical idioms usually posit hierarchies of

value with which it is difficult to disagree without discrediting one's self and so it is a powerful claims-making strategy to not counter the values conveyed in rhetorical claims so much as addressing their current application of relevance (Ibara & Kitseuse, 1993). Ibara and Kitseuse (1993) put forward strategies of counterclaiming which fall into two types of categories: sympathetic and unsympathetic counterhetorics.

Sympathetic counterhetorics accept in part or in whole the problematic status of the troubling condition, but block the request for a solution. In other words, sympathetic moves accept the assessment proposed by claims-makers but reject the call for action by making inevitable, or not-so-problematic, the very troubling condition that claims-makers seek to render problematic. The counterclaims put forth in the counterhetorics of costs involved, for instance, claim that it is better to live with the problematic conditions than to intervene due to the unnecessary costs. So while moral sympathy and support is provided, remedial support is withheld, because the benefits do not outweigh the costs.

Unsympathetic counterhetorics on the other hand, approve of neither the proposed characterization and evaluation, nor the suggested solutions. These rhetorical strategies oppose the candidacy of the claims as social problems and therefore also reject calls for remedial activities. Antipatterning, for instance, holds that the claim has not in fact been characterized as a full-scale social problem at all, but rather it is focused on isolated incidents. Perspectivizing is another strategy used to categorize the claim put forth as a matter of opinion. This frames the claims put forth about the troubling condition are simply and a matter of perspective or personal philosophy and, therefore, there is no need to intervene. The counterhetorics of hysteria is a strategy which implies that the moral judgement of the claims-makers is not based on a sound assessment of the condition but is

under the influence of irrational or emotional factors. Whether the counterhetorics are sympathetic or not, the format that they have in common is “yes, but...” (46).

Countermovements such as the sympathetic and unsympathetic counterhetorics can be used by claims-makers to construct various forms of victimization operating parallel to but distinct from those forms of victimization already constructed by the original claims-makers (Dunn, 2010). They *can* and often do contribute to a shift in trajectories of the social problems discourse (Spector & Kitsuse, 1987). However, those with the most vested interest in maintaining the status quo through hegemonic discourses, like those who benefit from the current social arrangements, resist change the most (Best, 2008). They are also the individuals within organizations that perpetuate hegemonic discourses (Best, 2008; Dunn, 2010). The media are one avenue which aids the reproduction of hegemonic discourses by conventional claims-makers.

Role of the Media

According to Ericson, Baranek and Chan (1987), “the news media are one of the most important and powerful institutions in society” and deserve academic attention and scrutiny (10), in part because the media play an important role in informing the general population about social issues which, for the most part, they will never personally encounter (Ericson, Baranek & Chan, 1991; Loseke, 2003; Surette, 1998). Crime is one such example. The general public relies on the mass media for information about crime, its perpetrators, and its victims because most people never have direct daily exposure to crime or the criminal justice system (Chermak, 1995; Ericson, Baranek & Chan, 1991; Surette, 1998). As a result, people draw from their experienced reality and symbolic reality to make sense of their

surrounding world ⁸ by drawing upon four types of information: popular wisdom or common sense; personal experiences; social groups or institutions; and mass media discourses (Loseke, 2003; Surette, 1998). Knowledge from all these sources combine and each individual constructs his or her own personal world and understanding of crime and criminal justice (Surette, 1998).

Journalism throughout history has had a quest for truth and an obligation to make the news available to everyone; however, editors and news directors of major media sources play the role of gatekeepers (Lorimer, Gasher, & Skinner, 2008). Gatekeeping is an evocative metaphor, and means that editors and other middle management staff “sift” through a large number of events and decide which of these events will be broadcasted as news (Lorimer, Gasher, & Skinner, 2008: 227). In this way, new media are key players in reproducing hegemonic discourses (Ericson, Baranek & Chan, 1991). Journalists and editors are afforded certain powers, including the powers to select which individuals can peak, formulate how these people are presented, and authorize knowledge (Ericson, Baranek & Chan, 1991).

News media take up supposed facts of events and interpret them, contextualize them, conceptualize them, and relate them back as knowledge of reality (Ericson, Baranek & Chan, 1987). When reporting crime news, media sources take what claims-makers say about phenomena, translate it and interpret it for readers in what can be understood as common sense explanations, defined as practical, simple, literal, immethodical, inconsistent, and accessible explanations (Ericson, Baranek & Chan, 1987). These characteristics make common sense seem so obvious that it is difficult to reflect upon it, let alone analyse it

⁸ Experienced reality is the individual’s human experience through all the events that happen. Symbolic reality, on the other hand is the symbolically shared knowledge as communicated through language which allows the sharing of experiences. For example, all the things one did not personally experience or see but believes to be true (Surette, 1998).

(Ericson, Baranek & Chan, 1987). In this sense, newsmakers help construct the world by providing authoritative stories that are necessary for understanding the everyday world (Ericson, Baranek & Chan, 1987). This makes them a particularly powerful institution for their role in reproducing knowledge and understanding (Ericson, Baranek & Chan, 1987). Through the process of encoding (making news mean something within a pre-existing ideology) and decoding (negotiating within dominant codes rather than systematically decoding them in a counter-hegemonic way) news makers are involved in a “social process in which the dominant cultural ideology links ‘facts’ of the news to the background assumption which make the facts understandable” and this has the ideological effect of reproducing hegemony (Ericson, Baranek & Chan, 1987: 31). So the way the media frame particular issues leads to the dominant construction of reality, emerging from competing points of view (Surette, 1998).

Some research indicates that the public’s beliefs about crime and criminal justice more closely resemble the realities presented through the media than what is produced through social science research (Surette, 1998). Within the media, crime stories publicizing violent and sensational crimes are disproportionate to the prevalence of these types of crimes in official data (Surette, 1998). In fact, crime news is the fourth largest category of stories newspapers report on, after sports, general interests, and business (Chermak, 1995; Landau, 2006; Surette, 1998). These types of stories attract audience attention and are generally considered more serious by the public because they inspire moral shock, fear, and the feeling that victimization is random and unprovoked (Chermak, 1995). In other words, focusing on homicide and violent offences, sells news (Landau, 2006). Crime news takes a rare crime or event and turns it into the common crime image—these crimes become the “typical ‘atypical’

event” (Surette, 1998). These types of typical “atypical” events make for newsworthy stories and are therefore frequently represented in news media.

The news media present themselves as removed from the issues they report on, as if they are a third party (Ericson, Baranek & Chan, 1987) giving the illusion that they are impartial rather than directly involved in the creation of news. While they are a powerful source of information about different versions of social reality, they are not neutral. In fact, news media may not be the most truthful or reliable source as they must adhere to their own agenda, determined by their editorial position and target audience, when reporting news (Best, 2008). Like the law, the media maintain that they provide a general, universal, and stable account of events in the face of cultural pluralism (Ericson, Baranek & Chan, 1987). They “use formats of realism to produce the truth of their respective discourses” (Ericson, Baranek & Chan, 1991: 345). While both law and media are politically, culturally, and socially constructed, they present themselves and their cases as factual (Ericson, Baranek & Chan, 1987). Through “realistic packaging” (345), they claim to arrive at their own truth and claim they are policing the world in the public interest on the basis of neutrality; in doing so, they are able to accomplish a degree of legitimacy and authority for their own institutions (Ericson, Baranek & Chan, 1991). Neither of these institutions, however, questions its own ability to arrive at the ‘truth’. As such, through reproductions of certain institutional ‘truths’ and hegemonic discourses they reinforce the legitimacy of their respective institutions (Ericson, Baranek & Chan, 1991).

There are also significant constraints in the way media present information. The main criteria for choosing certain crime stories to report is newsworthiness (Best, 2008; Chermak, 1995). “[D]eviance is *the* defining characteristic of what journalists regard as newsworthy”

(Ericson, Baranek & Chan, 1987: 4). Violent crime is seen as more newsworthy because it occurs less frequently (Surette, 1998). The more unique the crime, the more extraordinary it is, the more elements of shock or surprise it has, the more likely it is to be reported (Chermak, 1995). The priority of news media is to present new information in an engaging and entertaining way, referred to as “infotainment” (Landau, 2006: 18). In this process, primary claims are transformed into secondary claims, which are shorter, more dramatic, and less ideological than the initial claims (Best, 2008; Loseke, 2003). A landmark or high-profile story is often used as a typical real-life example to shock and entertain audience members (Loseke, 2003). A landmark case can be a scandal or an example of the long-term suffering and “heroic” recoveries of abuse from victim to survivor (Lamb, 1999: 119). Mostly, however, the stories reproduced confirm what the audience already believes to be true. In Sampert’s (2010) study, for example, 57% of the 870 stories published in English-Canadian newspapers in 2002 contained references to at least one sexual assault myth.

Instead of focusing on the social, cultural, economic, and political discourses which perpetuate hegemonic understandings, the news media typically individualize and personalize events and stories⁹ (Ericson, Baranek & Chan, 1991). The stories presented are episodic events constructed as separate events, unrelated to previous crimes or to causes of crime (Chermak, 1995). Nearly 75% of crime stories analyzed by Chermak (1995) focused on the crime itself and characteristics of the offender and the victim. A lot of news focuses on “moral character portraits” of individuals, thereby effectively shifting responsibility and attributing accountability toward troublesome persons rather than troublesome social

⁹ While feature stories sometimes examine bigger social, cultural, economic, and political contexts (such as, for example, the Focus section of the Saturday Globe and Mail), this type of analysis represents a minority of the stories reported.

structures (Ericson, Baranek & Chan, 1991: 8). This has the effect of mystifying the social roots of a structurally unequal society (Ericson, Baranek & Chan, 1991).

The media pick up on various constructions of the criminal ‘other’ as it makes for “dramatic entertainment” with focus on individual offenders and crime scenes (Surette, 1998: 98). Offenders are important to crime stories because they present “an element of evil” (Chermak, 1995: 74). The offenders are usually portrayed in stigmatizing construction that overlay the violence aspect and make reintegration into society seem more difficult (Surette, 1998). They are constructed violent and predatory individuals who are different from the rest of ‘us’ (Chenier, 2008; Chermak, 1995; Surette, 1998). Day-to-day news stories focus on daily crime, hatred, violence, and a world full of dangers from which we must withdraw for our own protection (Bourdieu, 1998). This increases xenophobic fears and gives the illusion that crime is on the rise, which feeds anxieties and phobias about safety at home (Ericson, Baranek & Chan, 1991). This overemphasis on violent crimes perpetuated by strangers and the failure to adequately address personal risk leads to exaggerated fears of victimization and exacerbates fear of crime (Chenier, 2008; Surette, 1998).

According to Surette (1998), crime victims are frequently ignored in crime news and in the research of crime news. When they are represented, however, they tend to be female, very young or very old, and generally of high status (Chermak, 1995; Surette, 1998). They are the re-construction and real life representatives of the ideal victim. Often the violence they endured is over emphasized (Surette, 1998). Victims are rarely sources for the media, unless they are discussing the impact the crime had on them and their reactions to the crime in order to “personalize” the story (Chermak, 1995: 96). So, an additional way to make a story newsworthy is to present the impact the crime had on the victim, the family, and the

community (Chermak, 1995). The more physical, financial, psychological, property, or financial harm endured, the more newsworthy the story (Chermak, 1995).

Other criteria determining which crime stories survive the news-making process are the organizational objectives and the interrelationship between news and source organizations (Chermak, 1995). Journalists, as central agents in the social construction of deviance through the media, provide a platform for key spokespeople high in the hierarchy of credibility to spell out what they think are the most significant problems of deviance and what should be done about them (Ericson, Baranek & Chan, 1987). These (influential) sources function as reporters, as they prepare accounts and claims tailored to their own purposes as well as the media's general purposes of news construction (Ericson, Baranek & Chan, 1987). The media construct cases and events in ideological and partial ways by contacting the same sources, by omitting or relegating lower status individuals to certain claims or claims-makers, and by presenting particular interests, accounts of justification, excuses and apologies to selected individuals, organizations, and institutions (Ericson, Baranek & Chan, 1987). These "authorized knowers" produce a product that represents order in terms of both social hierarchy and cultural knowledge that is ideological (Ericson, Baranek & Chan, 1987: 197). Reporters develop a relationship with authorized knowers and therefore perspectives of these knowers are represented more readily and frequently (Ericson, Baranek & Chan, 1987; 1991).

These authorized knowers nearly always give simplistic and individualistic (implicit and explicit) explanations about crime (Surette, 1998). They provide the 'common-sense' of deviance and additionally control processes and their implication for change (Ericson, Baranek & Chan, 1987). The police, for example, have tremendous influence over crime

images presented in the news media because they are the primary institution relied upon for information when a crime is first reported and suspects charged (Chermak, 1995; Ericson, Baranek & Chan, 1991). In Chermak's (1995) study approximately 30% of the information about crime incidents was provided by various police sources.

It is particularly difficult for anyone outside the "deviance-defining elite to penetrate this inner circle and sustain competing or alternative accounts" (Ericson, Baranek & Chan, 1987: 9) Nonetheless, outside claims-makers and those lower in the hierarchy of credibility also attempt to raise awareness on issues they find troubling via the media (Loseke, 2003). Particularly, claims-makers promoting anti-hegemonic or unconventional claims rely heavily on the media in order to grasp the attention of the masses (Loseke, 2003). The media are not only an important avenue to bring the public's attention to social problems claims, but also to inform policymakers' sense of what deserves their attention and of what the public demands of them (Best, 2008). For instance, the mass media played a significant role in spreading the anti-rape ideology of the women's movement, providing information about the movement and covering the issue throughout the decades (Bevacqua, 2000).

By focusing attention on particular events and ignoring others, the media help define the issues of the day and determine their relevance to the individual audience members (Cohen, 2005). Since knowledge is a matter of interpretation, by constructing stories in a particular way the media control the information available to the masses (Ericson, Baranek & Chan, 1987). Due to the need to attract audience members the media actively seek out newsworthy stories comprised of extraordinary events they can exaggerate and generalize (Best, 2008; Bevecqua, 2008; Chermak, 1995). They also have the authority to choose which claims-makers will comment (Ericson, Baranek, & Chan, 1991). Claims-makers then choose among which events to comment on and construe them in terms which suit their personal,

vocational, and organizational purposes (Ericson, Baranek, & Chan, 1987). Claims-makers therefore use the media as a major avenue to deliver their chosen messages to the general public (Ericson, Baranek & Chan, 1987). Generally, while a problem may be widespread, because of the lack of sociological imagination the media generally fail to pay attention to the systemic and structural explanations for violence and deviance (Bevacqua, 2000; Best, 2008). Typical cases of men's violence against women are obscured in the media for example by sensationalizing less common stranger rapists stories (Berns, 2001; Bumiller, 2008; Smart, 1989). While the information presented via the media is ideological, partial, incomplete, and often inaccurate (Ericson, Baranek & Chan, 1987; Landau, 2006), the media potentially could provide a cultural opportunity for change as audiences become more prone to listening, especially during the right political, cultural, social, and economic climate (Loseke, 2003).

Chapter Summary

This chapter provides the theoretical background for this thesis. The role of the claims-makers was discussed along with the claims-making process and the counterclaims often encountered. From a social constructionist perspective, claims-making activities and not the social conditions themselves, are the subject of analysis. This thesis analyzes the construction of claims made surrounding a particular case as filtered through the newspaper media and as such presented research literature on the role of the media within the claims-making process. The following chapter presents in detail the methodology used in this research project.

Chapter 4: METHODOLOGY

Research Problem and Objective of Study

The purpose of this study is to analyze how the issue of campus sexual assault is constructed through the claims-making process outlined by Best (2008) and Loseke (2003). More specifically, the aim is to identify the main claims made by dominant claims-makers through the claims-making activities. For the methodology of this study I have adopted a hybrid method, combining deductive quantitative content analysis and the mainly inductive process of thematic content analysis. After outlining the facts of the case, this chapter outlines an overview of the methodological considerations and approach, an explanation of how the data was collected and analyzed, and an examination of the study's limitations.

The Case

On August 31st, 2007 a student with the pseudonym of Jane Doe was working late in the Analytical Chemistry Research lab in the Steacie Building at Carleton University. Her professor who was working with her left the research lab around 11:30PM to go home. Around midnight, a man came into the lab and attacked Jane Doe. He grabbed her by the arm, threw her down and repeatedly smashed her face into the ground to the point where she lost consciousness. When she regained consciousness she was laying on her back with the assailant slapping her, choking her, aggressively fondling and grabbing her body. Following this encounter, he stole her jeans, underwear, one of her running shoes and cell phone and left her semi-naked with her hands tied behind her back. She suffered various injuries to her body, including three fractures to her jaw, a fractured cheekbone, broken tooth, bruising to her neck and chest, and a black eye. This case gained significant media attention because it was an atypical sexual assault that was used to typify which sexual assaults deserve attention

and resources. It resulted in a substantial amount of student activism and ultimately the formation of the Coalition for a Carleton Sexual Assault Centre. Immediately following publication of the events, a number of claims-makers began making claims not only about the circumstances of the specific incident, but also about the problem of sexual assault on campus more generally. While this incident acted as a catalyst to bring attention to the event, it was the discussion of campus sexual assaults in general that came to dominate the discourse.

After hearing about this high-profile sexual assault and the reactions to it, I became particularly interested in finding out how the various claims-makers constructed this case and the issue of campus sexual assault in general. To analyze the claims-making process, I chose to rely on claims made through the medium of print and online newspapers. As I conducted this research, I was guided by the following research question:

How was the social problem of [this] campus sexual assault and the responses to it constructed by the dominant claims-makers as depicted in the newspaper media?

In keeping with the aims of the research, I analyze the claims-making activities by identifying claims made, as well as the dominant claims-makers and the prevailing themes derived from the discourses put forth by them. The dominant claims-makers of this case study were divided into the groups they represent which included activists representing the Coalition, administrators and officials of Carleton University, various experts such as lawyers and criminologists, Carleton group members such as Carleton Student Government and Graduate Student's Association, and finally community members such as parents or students of Carleton University. The claims-makers involved in this case study are listed in Appendix B.

Methodological Considerations

Paradigm, Epistemology and Ontology

According to Guba & Lincoln (2007) a research paradigm is a way of viewing the world and understanding of how the world is perceived. It informs the researcher of what is important, legitimate, and reasonable in relation to the inquiry. It is therefore a source of one's epistemological framework. It is this framework that guides the researcher's methodological decisions (Carter & Little, 2007; McCotter, 2001). As such, it is important to acknowledge epistemological assumptions and how they influence every step of the research journey (Blaikie, 2009).

According to constructivist scholars, knowledge construction depends on historical, situational and temporal contexts (Best, 1995). Constructivists reject the notion that natural phenomena are concepts of knowledge that are independent of discursive and social practices. They view all phenomena of the world as interpretations, or social constructions. The researcher is not an objective observer, but rather plays an integral part in constructing meaning (Best, 1995). Hence, my role as the researcher of this thesis is that of an interpretivist researcher (Blaikie, 2009). As a social constructionist researcher I recognize my role in constructing a reality when presenting the data. While I have taken steps to ensure the results of this research project are trustworthy, it is still the decisions that I have made throughout that have led to the findings and conclusions of this project.

It follows then that constructionist researchers adopt a relativist ontology (Guba & Lincoln, 2007; Manning, 1997). Relativist ontology suggests reality is socially constructed with multiple meanings each dependent on the interpretation of the researcher (Manning, 1997). This means the meaning of knowledge cannot be found in a completely objective

way, but instead is based on human construction (Manning, 1997). According to Denzin and Lincoln (2005), there are no ultimate criteria defining a phenomenon, only those that we can agree upon at a certain time and under certain conditions, as there is no permanent standard by which truth can be universally known. Meaning and agreements about truth are negotiated at the community level. To constructionists, knowledge is not what individuals believe, but rather what social groups, or knowledge communities, believe. Seeing as peoples' ideas are ultimately given meaning by their social context, it is this context that constructionists aim to deconstruct (Best, 1995).

Constructivism Debate

Social constructionists make a distinction between the two types of constructionism, strict and contextual constructionism (Ibarra, 2008). According to Best (1995) strict constructionism argues that social problems analysts should avoid making assumptions about the objective reality and instead focus solely on examining the claims-making process and the perspectives of claims-makers. The actual social conditions of the problem are irrelevant and all that matters is what people have to say about those conditions (Ibarra, 2008).

Contextual constructionism, on the other hand, seeks to locate claims-making within a larger context by making certain ontological assumptions about the world in order to contextualize how social problems claims emerge and evolve (Best, 1995). Contextual constructionists, therefore, engage in “ontological gerrymandering” (Ibarra, 2008: 366).

Ontological gerrymandering is a central strategy that enables contextual constructionists to make problematic the truth status of certain states of affairs selected for analysis while minimizing the possibility that the same problems apply to assumptions upon

which the analysis depends (Woolgar & Pawluch, 2004). Essentially, this means treating some phenomena as socially constructed and others as not in order to be able to problematize certain phenomena under investigation. According to Woolgar and Pawluch (2004) this “boundary work” is necessary as it “creates and sustains the differential susceptibility of phenomena to ontological uncertainty” (47). Researchers studying real world events, such as case studies of social problem constructions, inevitably and continually make “lapses into realism” (Ibarra, 2008: 48). In fact, it is so hard to get away from making assumptions about the world that even strong proponents of strict constructionism, inevitably engage themselves in ontological gerrymandering (Ibarra, 2008; Woolgar & Pawluch, 2004).

According to authors like Best (1995) and Woolgar and Pawluch (2004), the boundary work researchers must engage in with ontological gerrymandering is an important and inevitable part of the social constructionist work for two reasons. Firstly, it is impossible for researchers to get away from assumptions about reality because of our own subjectivity. It is best to acknowledge the limitations and work within them than to try and deny them (Woolgar & Pawluch, 2004). Secondly, ontological gerrymandering makes the work produced by social constructionists relevant to public debate (Best, 1995) as it allows for analysis of how and why issues gain public attention (Ibarra, 2008). For this research study the assumptions that were made under the contextual approach are presented throughout the previous chapters of this thesis. I chose the contextual approach to analyzing the data given that it is neither possible nor desirable for an analysis to avoid all assumptions about the world as they are necessary in order to better understand how social problems claims emerge and evolve. This brings me to a discussion of intersubjectivity and reflexivity.

Intersubjectivity and Reflexivity

The process of qualitative research brings together the two subjects, in this case the researcher and the text, in a meaning-shaping dialogue that reflects not only social practices but also the socio-cultural reality that is reflected, supported, and re-created in this process (Unger, 2005). Meaning in the world is context specific, inherently social, and constituted by the social languages that actors use in any given situation (Unger, 2005). Intersubjectivity carries inferences that point to the acknowledgement that all meaning lies in the social arena of which humans are part, hence meaning of any given phenomenon is interpreted by the researcher and is ultimately contestable (Unger, 2005).

All researchers are biased and prejudiced as they bring with them pre-understanding to all interpretations and conceptualizations of the data (Unger, 2005). If understanding is dependent on pre-understanding, then any conceptualization of the data is dependent on the act of interpretation, is profoundly personal, and is dependent on historical basis of the researcher's previous interpretations and prejudices (Unger, 2005). Within qualitative research requiring interpretation, the subjectivity of the researcher must be acknowledged and the researcher must knowingly engage in his/her own prejudices (Unger, 2005). Reflexivity allows a researcher to do exactly that.

Reflexivity allows the researcher to be aware of how s/he affects the research, but also to participate in the continual negotiation of meaning (Unger, 2005). Social constructionism requires attention to context and intersubjectivity as well as the incorporation of reflexivity into the research (Lynch, 2008). One way of being reflexive is by acknowledging subjectivity (Leech, 2005). As a researcher, I come from an experimentally informed standpoint (Leech, 2005). That is, I identify as a researcher who is sympathetic

toward feminist ideals and to the claims about the need of a peer-to-peer model because of my experience with peer support as a RCC volunteer. These affect the pre-understandings that I brought to my readings of the media accounts. Additionally, I actively supported the Coalition for a Carleton Sexual Assault Support Centre. Throughout the research process I actively attempted to minimize these potential biases by constantly reminding myself of my position as the researcher and an activist.

Methods

Case Study

A case study is an appropriate research method when the researcher is interested in appreciating the complexity of certain organizational phenomena (Mukhija, 2010). It is a method well-suited to social constructionist research as it can provide an opportunity for a deeper understanding of the phenomenon being studied (Berg, 2009). When the goal of the researcher is to analyze the claims-making process surrounding a particular case, a single case study is an excellent method to utilize. Some advantages of case studies include the opportunity for in-depth analysis and a chance to examine the inner workings of one particular case. Another advantage is the opportunity to examine the reactions of individuals intimately connected to the case. In this case the claims and counterclaims made through the newspaper media allowed for a deeper understanding of the social construction of campus sexual assault cases. While this level of complexity can come at the expense of generalizability, single case studies such as this can later be used as a data set for multiple case studies in order to acquire a broader, more generalized understanding of a particular phenomenon (Mukhija, 2010). While this is an added benefit, the goal of this case study is

not to generalize the claims-making process but to produce in-depth descriptive inferences of this particular case (Blaikie, 2009; Mukhija, 2010; Ruddin, 2006).

Data: The Sample

Claims made through the media tend to represent the claims-making process while these claims gain a lot of authority from being published in the mass media. As a result of this along with available data, time constraints, and the specificity of my research questions, a purposive sample of publicly available secondary textual data was collected, namely, newspaper media (Berg, 2007; Blaikie, 2009). The goal of this research study is to analyze the claims of the claims-makers of this case as constructed through the newspaper media. While the media act as claims-makers themselves because they construct the news being reported, this is not the focus of this research project. Instead, my goal was to analyze the claims of the pressure groups, the Carleton University administration, and the experts contacted by the media. This is therefore an analysis of their claims as presented *through and by* the media. The main claims-makers analyzed in this case study are the Coalition activists, the Carleton University administrators, the experts involved in the construction of the case, as well as various other non-dominant claims-makers. A list of the claims-makers is contained in Appendix B.

In order to acknowledge the barriers of transferability, it is crucial for the researcher to identify what data will and will not be included (Blaikie, 2009). This research study analyzed all available online newspaper data with respect to Carleton University's Jane Doe case. To obtain the data, an electronic search of the Canadian Newstand Database was conducted. This database offers access to full text articles from Canadian newspapers including both national and major regional dailies. In order to identify any additional sources

that may have escaped the initial search of the Canadian Newstand Database a Google search was also conducted. This process yielded an additional 14 results in addition to the ones found through the Canadian Newstand Database. When additional searches with the various combinations of keywords resulted in no new articles, the data collection was concluded.

The criteria for inclusion in all the samples were that specific keywords appeared in the title or in the text of the articles. The keywords used for the online searches always included “Carleton” or “Carleton University” AND / OR “rape” “Carleton rape” “campus rape” “sexual assault” “sex assault” “campus sexual assault” “campus sex assault” “assault” “activism” “crime” “security” “safety” “victim” “settlement” “Coalition” “Sexual Assault Centre” and “centre”. The only reports searched started in September 2007 because that was the year Carleton University’s Jane Doe was sexually assaulted and ended in 2012 with the agreement between the various opposing parties to open up a Carleton Sexual Assault Centre. The search for keywords yielded the following results:

Table 1. List of Newspaper Articles

Newspaper	Number of Articles
The Ottawa Citizen	51
The National Post	11
Ottawa Sun	6
Globe and Mail	6
The Gazette	4
Times-colonist	3
Calgary Herald	3
The Edmonton Journal	2
Star-Phoenix	3
Leader Post	2
The Windsor Star	2
The Vancouver Sun	1
Sun Media	1
CTVNews	1
Owen Sound Sun Times	1

1310News	1
Queens Journal	1
University World News	1
Digital Journal	1
Global News Transcripts	1
The Ottawa Sevant	1

For a full list of the articles analyzed, please see Appendix D.

In order to gain a better perspective of the scope of the issue and how this event was constructed in various forms of media, the Carleton University's student newspaper, *The Charlatan*, was also included as a data source. All the mainstream media addressed this issue in a similar way, focusing on similar topics. I analyzed *The Charlatan* because I wanted to step out of the mainstream media construction and review other sources, particularly how the students at Carleton University constructed this event through the media, to get alternative perspectives. *The Charlatan* is a student newspaper which publishes works by Carleton University students. It is independent from the Carleton University Student Association as well as the administration. Inclusion of this newspaper provides a way to compare the conventional and mainstream media reports of the case to those provided by student volunteers at a presumably independent student newspaper. Through an electronic search of the online database of *The Charlatan* website articles from 2009 to 2012 were retrieved. The data from 2007 to 2008 were not available online which necessitated a visit to their office at Carleton University in order to manually go through and collect the printed articles from 2007 to 2008. These print editions were reviewed a total of three times to ensure all relevant articles were included in the study. For a full list of the data sources, please refer to Appendix D.

The total number of articles analyzed is 171, of which 103 were from mainstream newspaper sources and 68 from *The Charlatan*.

Content Analysis

Content analysis is a technique designed to examine the symbolic content of messages in visual, oral, or written communication (Berg, 2001). The objective of this technique is to reduce the total content of text to a set of relevant and manageable categories representing the characteristics of the research interest (Berg, 2001). This method is used for both quantitative and qualitative research (Berg, 2001; Bryman, Bell, & Teevan, 2012), often as a technique to track changes over time (Bryman, Bell, & Teevan, 2012). While this research study employs a mix of the two methods, the qualitative component dominates. In the social sciences, qualitative research is often concerned with the study of social issues and the meaning individuals or groups ascribe to those issues. This is congruent with the goals of a contextual researcher who aims to identify the claims-making process through the claims being made, the claims-makers and their credentials, as well as the themes being addressed (Best, 1995).

Content analysis was selected for this research as it allows for the measurement and analysis of messages and themes. In quantitative content analysis the researcher is interested in counting words, subjects, themes or value positions (Bryman, Bell, & Teevan, 2012). In this component of the research study key words were counted to reveal the frequency, emphasis, and how the media use certain words to sensationalize stories. The number and types of claims-makers that appear in the media were also counted, including the differences between mainstream newspaper media and *The Charlatan*. Key words and claims-makers were tabulated using an ad-on of Microsoft Office Word designed to count all words in a

particular document. These word counts were produced for both conventional newspaper sources and *The Charlatan*. This provided me with a list of over 20,000 words. From there, I went through the list and subjectively picked out the relevant words and the number of times each appeared, emitting irrelevant words such as “a” “and” “the” and so on. Counts of the number of times each claims-maker appears in the text of the media were obtained in a similar manner. Words such as “President Runte” were paired in order not to count singular cases as two separate instances. The value positions presented in each of the articles were not counted, however.

The goal of this thesis is to identify the claims-makers and their claims publicized in the various newspaper media in keeping with Best’s (2008) claims-making process. It follows a deductive category application was used as the categories I was interested in were provided by an existing theoretical framework (Hsieh & Shannon, 2005). Following Best’s (2008) and Loseke’s (2003) social constructionist theory. An assertion was identified as a claim when it was a verbal, visual or behavioural statement made to define and typify a troubling condition via grounds, warrants, and conclusions (Best, 2008; Loseke, 2003). The process of categorizing claims and claims-makers was entirely subjective. In this case study, I divided the claims-makers based on which groups they represent. Different groups of claims-makers typify a social problem in different ways. This is why it is important to chart which group claims-makers belong to. For a detailed account of each claims-maker and the groups they belong to, please refer to Appendix B.

After categorizing all the claims and claims-makers and entering the data into Excel, I thematically divided the content of the data into a number of sub-themes. This process was both deductive and inductive. I attempted to inductively derive themes by looking at general

themes that would come up without fitting the data into pre-existing coding frames (Braun & Clarke, 2006). Despite this, and perhaps due to already existing biases resulting from having read the research literature and established a theoretical framework before examining the data, the resulting themes were derived in a deductive manner (Braun & Clarke, 2006) according to Best's themes on claims making outlined in the literature review. The analysis that is produced is not just description but it is already theorized (Braun & Clarke, 2006). While the idea was to inductively look at the data to discover what the data would say about the particular case, I ended up deductively arriving at themes. While this is an entirely subjective process, it is left implicit through illustrated quotes from the text (Bryman, Bell, & Teevan, 2012).

Social constructionists recognize there are no objective means of developing themes (Best, 1995). While extracting themes is a subjective process, the significance of a particular theme was determined by analyzing how often it appears and how many claims-makers discuss it. For example, the literature review discusses themes of individual pathology, blaming the victim, and responsabilizing individuals. Whenever such claims coincided with these concepts, I grouped them into basic themes which then together made the "responsibility for prevention" theme. A similar process was followed for the rest of the themes such as safety through security, social pathology, and need for a sexual assault support centre (SASC). I used the constant comparison method identified by Ryan and Bernard (2003) in order to identify and confirm the themes and sub-themes. For an example of how this was codified in Excel please refer to Appendix C.

Limitations of this Study

Like with any other method, there are strengths and weaknesses associated with content analysis. The main strength of a directed approach to content analysis is that existing theory can be supported and extended (Hsieh & Shannon, 2005). It allows for longitudinal analysis and reporting changes over the years (Bryman, Bell, & Teevan, 2012). It is an unobtrusive and non-reactive method, and it is at least partially influenced by anticipation of scrutiny because when the media print their stories they do so not because some researcher will analyze them but because of the particulars of their own agenda (Bryman, Bell, & Teevan, 2012). By using pre-existing data that is well suited for studying a phenomenon that occurred in the past helps to offset the inaccuracy of memory that can occur if respondents are asked to describe past events (Bryman, Bell, & Teevan, 2012). Additionally, as research in the area grows, it makes it unlikely the researcher was working from a naïve perspective (Bryman, Bell, & Teevan, 2012).

Using theory to guide research, however, has some inherent limitations. The strongest one is that researchers approach the data with a strong bias, and so they might be more likely to find evidence that is supportive rather than nonsupportive of a theory (Hsieh & Shannon, 2005). Overemphasis on a theory can blind the researcher to contextual aspects of the phenomenon. These limitations are related to neutrality or conformability of trustworthiness as the parallel concept to objectivity (Hsieh & Shannon, 2005). While I remained open to the possibility of inductively deriving phenomena, my research findings are mostly derived deductively. Another final limitation of content analysis is that it is not helpful in answering “why” questions with relation to the issue under study (Bryman, Bell, & Teevan, 2012). Addressing such “why” questions was not the goal of this project, however, so this weakness is of limited impact.

There are several limitations to the data sources used for analysis as well. As previously discussed, media act as gatekeepers and decide how to filter stories, claims-makers, and claims. Through various decisions, the media construct cases and make decisions about the types of stories to release, the types of claims-makers to contact, as well as the types of claims and quotes to publicize. These decisions depend on the various limitations of the media, including newsworthiness and target audience. It is important to note these decisions impact and limit the information that becomes public discourse through the media. These are important limitations to acknowledge, in that the data obtained and analyzed in this thesis is socially constructed through various media decisions. The version of the story explored in this thesis, therefore, is partial and incomplete. However, my goal in this thesis is not to expose the factual truth as per the claims-makers words and actions, but to analyse the claims-making activities themselves as presented through the media.

Ensuring Trustworthiness

Concepts related to trustworthiness and rigour such as validity, reliability, and generalizability are often inappropriate to evaluate qualitative research (Carter & Little, 2007). Instead, evaluative criteria is discussed based on qualitative terminology, such as credibility rather than internal validity, transferability rather than external validity, dependability rather than reliability, and conformability rather than objectivity (Bryman, Bell, & Teevan, 2012). The credibility of this research project is strengthened by the continually re-reading of data, the coding schemes, and the interpretations in order to identify any potential errors. According to Lincoln and Guba (1985) no knowledge can be counted as certain; the best researchers can do is to seek means of judging claims to knowledge in terms of their likely truth. Some claims seem understandable within our common experience and

thus leave little room for error, while others allow more room for misinterpretation by the researcher. While separating the types of claims and the claims-makers, I ensured to input all claims present in the data. Next, I attempted to use claims of particular significance to the study, using only the most convincing evidence. Dependability and transferability were by keeping complete records of all the phases of research (Bryman, Bell, & Teevan, 2012). Nonetheless, transferability is determined by the reader (Ruddin, 2006). While conformability is harder to ensure, acting in good faith when analysing the data is key. My aim was produce the most accurate data set possible regardless if it coincided with the knowledge of the theory or literature review.

Chapter Summary

This chapter presented the methodological framework of this social constructionist thesis. The chapter began with an outline of the methodological considerations, discussed the impacts of intersubjectivity and reflexivity, and presented the methods, the data sample, and the limitations of this research. In the following chapter I present the results of this case study.

Chapter 5: RESULTS

My goal in this chapter is to present the findings of the research study while adhering to the social constructionist claims-making process. In this chapter I present the claims being made, the claims-makers involved, as well as the themes emerging from the claims of the various claims-makers in order to address the following research question:

How was the social problem of [this] campus sexual assault and the responses to it constructed by the dominant claims-makers as depicted in the newspaper media?

The rest of the chapter presents the results of the analysis.

Introduction: Parameters of the Case and Media Coverage

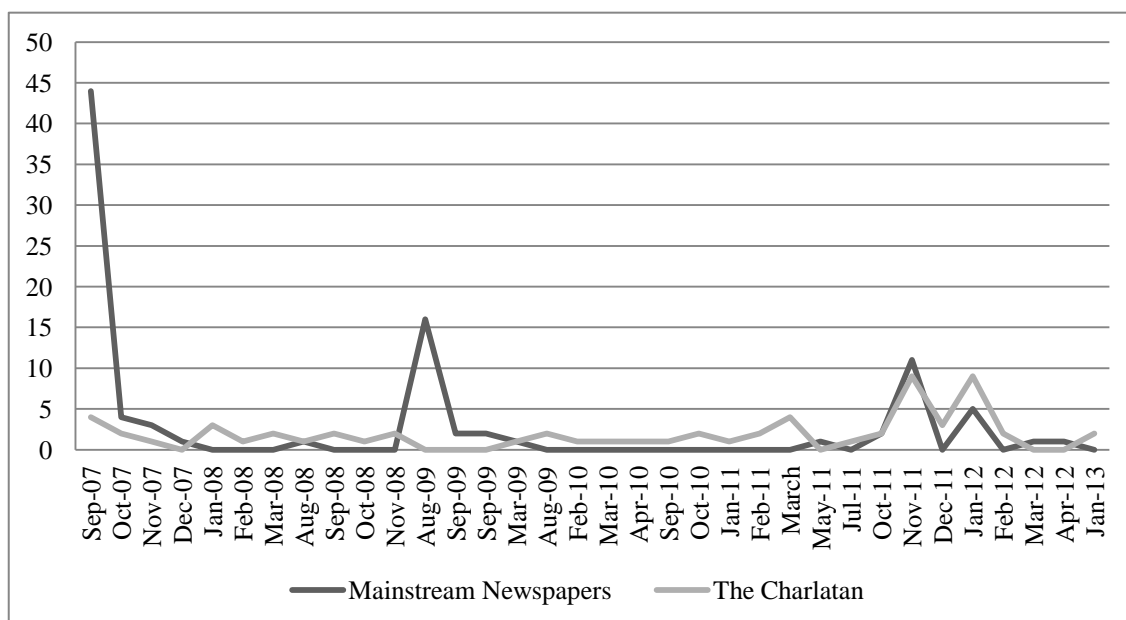
On September 2nd, 2007 The Ottawa Citizen released a story about a “brutal sexual assault” that happened at Carleton University (2007: Sep 2). The following day another five newspapers covered this story, another six the day after that, and another 7 on September 5th. All these sources describe the attack as one that left the whole campus “in shock” (Newman, 2007: Sep 3). They described the attacker as a “dangerous person” and the victim as “one of our most vulnerable people” (Seymour, 2007: Sep 14, A1). The police asserted the crime took “deliberation” (Seymour, 2007: Sep 14, A1) and criminal profilers concurred (Seymour, 2007: Sep 5; Toulin, 2007: Sep 4). This case was featured prominently in the mainstream media, likely because it was a random act of violence. The aspects of the case that were covered in the mainstream newspaper media focused heavily on the violation of the victim, the harm she endured, as well as the dangerousness of the offence and the offender. More stories were written as other newsworthy elements of the case unfolded. The time frame which received the most coverage was when the story was first released in September 2007 when 44 stories were published in the newspaper media. The second time the case received

significant mainstream media attention was in August 2008 when Carleton University settled with the victim after she sued them for negligence. The last increase in media coverage of the event was in November 2011 when the university eventually decided to open up a sexual assault support centre in response to student groups' demands.

Quite surprisingly, *The Charlatan* did not cover the incident as it unfolded but instead focused on covering general stories about campus safety and security. This pattern continued throughout the years, with the addition of personal experiences of sexual violence and various statistical facts about it. Nineteen days after the assault they briefly mentioned a Carleton University student was “raped” and “beaten” by an “unknown man” in the “early hours” of September 1st in a chemistry lab (Harrison, 2007: Sep 20). When it is mentioned, the assault is referred to as a “violent sexual assault” (Walkinshaw, 2007: Sep 20). Everyone, including the official university statements, expressed sympathy toward the victim and the “tragic” event that occurred (Harkins, 2007). Shortly thereafter *The Charlatan* printed a story describing a vigil that was held for this particular victim but that stood as a marker of the struggles sexual assault victims encounter everywhere (Harrison, 2007: Sep 20). A spike in coverage occurred in January of 2008 and in March of 2011 as a result of the levy for a sexual assault centre passing.—In November and December of 2011 *The Charlatan* had several articles by students on the need for a sexual assault centre and the “Carleton business model” being “bad for students” (*The Charlatan*, 2011: Dec 1). The last spike occurred on December 2012 when the decision to establish a sexual assault centre was made.

The graph below is a representation of the media coverage according to the time stories were printed.

Figure 1. Chronological Media Coverage of Case Stories



The Claims-Makers

There were numerous claims-makers selected by journalists who asserted their position in regards to the sexual assault in both mainstream newspaper media as well as *The Charlatan*. The first claims-makers to discuss the sexual assault in the mainstream media were the police. Immediately thereafter the newspaper media contacted university officials, more specifically, security officials like the security director Boudreault, to comment. The following day Professor Darryl Davies, a criminology professor at Carleton University, was approached by the media to give his “expert” opinion about the circumstances of the particular sexual assault. The dominant claims-makers in the mainstream newspaper media were the police, university officials, as well as various experts including social problem workers, lawyers, and professors. There were other less dominant claims-makers contacted as well. For example, there were several Carleton University first year students and their parents who commented on feelings of safety around campus following the attack. Other

claims-makers included various Carleton University group members such as CUSA's Melanson.

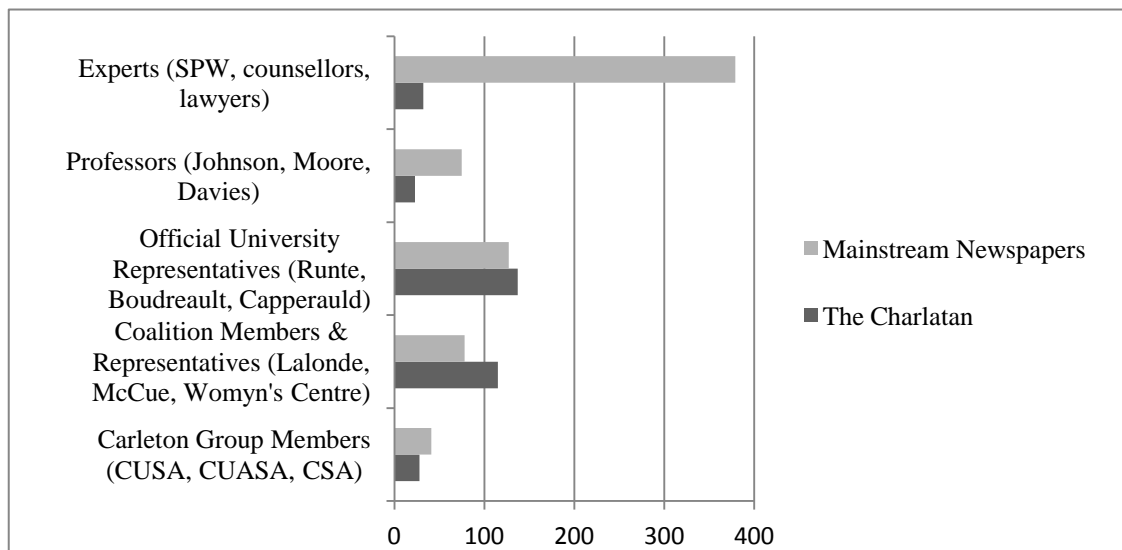
Unlike the mainstream newspaper media, in *The Charlatan* the most dominant voice from the main claims-makers belongs to Coalition representatives like Lalonde, followed by the official university representatives such as President Runte, Equity Services representatives like Capperault, and security director Boudreault. (For an extensive list of all the claims-makers in this case, please refer to Appendix B.) The theme these claims-makers focused on is safety and security around campus. Less dominant but very powerful voices belonged to individual students of the university. Both female and male students advocated on behalf of sexually violated victims and addressed the urgent need for a student-run sexual assault centre. Prior to discussing all the claims and themes derived it is important to discuss the results showing how the case was constructed in the media.

As expected, the newspaper media devoted significant attention to various experts such as police, social problems workers, counselors, lawyers and professors. In fact, 65% of mainstream newspaper media coverage was devoted to the opinions of experts (including professors), and 18% devoted to university officials. In total, the various newspaper media devoted 83% of their time to conventional experts and official university representatives. These groups of individuals clearly dominated the discussion. Within *The Charlatan*, the distribution of claims-makers was somewhat different. While they devoted the majority of their coverage to official university representatives (41%), they also devoted a significant amount of coverage to activists like Coalition members (34%) and Carleton groups members like CUSA and GSA representatives (9%). University officials were the most vocal out of any group partially because they were attributed a significant amount of media time, but also

because they had a vested interest to show their school is safe. In this case, experts and university officials collectively received the vast majority of media coverage, acting as the authoritative voices on the issue of campus sexual assault. The Coalition members, on the other hand, were largely ignored by the mainstream newspaper media likely because social problem ownership belongs to experts and insider claims-makers (Best, 2008) While *The Charlatan* covers the work and demands of the Coalition, it only does so from 2009 onward.

The newspaper media used these individuals to inform the audience members of the incident, the causes, and the consequences of sexual violence. The graph below shows the difference in the number claims-makers make claims in the mainstream newspaper media and *The Charlatan*.

Figure 2. Number of Claims Made by the Dominant Claims-Makers in Selected Newspaper Media



Seeing as the two different media outlets have different goals, they construct the incident differently by using different words. The word rape appeared 15 times in the titles of the mainstream newspaper articles writing about this particular case. The media used the

word rape so easily and carelessly that even two years after the survivor clarifies she was not raped, one article is entitled “University settles with rape victim after fallout” (Fine, 2009: Aug 16). Other predominant words in the newspaper titles include, sexual assault (13), safety (10), warn/ing (3) and worry (2). These types of words are sensational and therefore more likely to grab and keep the attention of the audience members. Within the mainstream newspaper articles, the most frequently used word is victim, followed by safe/ty and attack. The following table shows the top 10 words written in the mainstream newspaper media:

Table 2. Frequency of Relevant Selected Key Words from the Mainstream Newspaper Media

Word	Number of times it appears in text
Victim	306
Safe/Safety	276
Attack	228
Security	222
Rape	186
Centre	104
Violent/Violence	133
Muslim	68
Young	55
Brutal	54
Fear	44

The use of the word Muslim is used 14 times in the text of the articles and twice in the titles to describe the survivor of this case. The rest of the times it is used to talk about the “Muslim community” or “Muslim husband” or “Ottawa Muslim Association”. When the media describe her as a “young Muslim woman” they do so because she claims knowledge of the assault would cause her and her family to be “ostracized” from their community and it “will hurt her prospects of marriage” (Andrew, 2009: Aug 07). The media repeatedly report the survivor expresses fear she will be stigmatized if her sexual assault became public.

The Charlatan used words in the titles quite differently than the mainstream newspaper media. They focused more on discussing student safety (5) and solutions to sexual violence rather than discussing the details of the particular sexual assault. When the word rape appears in the titles, it is related to discussions of rape culture and not to describing this particular assault. For example one article is titled “rape culture is ‘back on the map’” and another “Jane Doe talks about rape”. Even when the words sexual assault appear (24) they relate to students asking for a sexual assault centre, such as “where is our sexual assault centre” and “tackle sexual assault”. Of all the articles analyzed, 45 (70%) discussed issues surrounding the demands, the need for, and the opening of the Sexual Assault Support Centre (SASC). The experts they contacted discuss SASC concerns. Within *The Charlatan*, the types of words used differ significantly. For example, the top three words used in *The Charlatan* were Coalition, safe/ty, and violent/violence. When the word rape appeared, similarly to the titles, the context was not to describe the incident, but instead to discuss rape culture or issues surrounding it. The following table shows the top 10 words written in *The Charlatan*:

Table 3. Frequency of Relevant Selected Key Words for *The Charlatan*

Word	Number of times it appears in text
Coalition	181
Safe/ty	101
Violent	82
Rape	73
Victim	42
Community	35
Student-Run	35
Security	28

Prevent/ion	27
Counseling	15

It is evident by the top 10 most frequently used words that the mainstream newspaper media used attention grabbing words which inspire a heavy emotional reaction from the audience members, whereas *The Charlatan* used words mainly focusing on student demands and prevention of sexual violence on campus. This point is further developed in the discussion chapter of this thesis.

The way in which this incident was constructed attracted a significant amount of attention from the Carleton University community who were vocal about their needs and demanded improved services for the students. The university responded as well, however quite differently than the community had hoped for. The following section discusses the immediate reaction of the Carleton community as well as Carleton University administration to the publication of details of this incident.

Public Reaction: Carleton Community

One claims-making group which was adamant about changing the way in which sexual assault was dealt with at Carleton is the Coalition for a Carleton Sexual Assault Centre. It was started in the fall of 2007 by two graduate students, namely, Julie Lalonde and Lesley Claire (Peterson, 2009: March 6). One of the first things the Coalition organized was the September 14th Vigil, an act which stood “as a marker for hundreds of incidents we do not recognize that go on everyday” according to Carleton University law Professor Dawn Moore (Harrison, 2007: Sep 20). Throughout the years, the Coalition continued to organize rallies and workshops to raise awareness about rape culture (Martin, 2011: Nov 9), organized

the Annual Task Force on Gender-Based Violence (Martin, 2011: Nov 9), and put forth demands for a peer-run SASC (Gerster, 2011: Nov 29). Most importantly, the Coalition volunteers operated a Sexual Assault Support Line. The Coalition members remained the most active group in demanding a sexual assault support centre (SASC). Despite this, their work was barely mentioned in the mainstream newspaper media. It is extensively covered in *The Charlatan*, but only post 2009.

The publication of this case brought Carleton University and their safety policies to the public sphere. The university administration attempted to downplay the significance of the event on the overall safety of the campus; however other claims-makers felt it important to capitalize on this opportunity and begin a dialogue about the lived realities of students dealing with the aftermath of sexual violence. All parties began the claims-making process by constructing various diagnostic frames about the issue of campus sexual assault.

Claims: Grounds, Warrants, Conclusions

Part of the claims-making process is constructing the nature of a social problem that claims-makers find troubling (Best, 2008). This happens via various statements attempting to persuade audience members that the condition exists, it is worrisome, and it must be remedied through appropriate solutions (Loseke, 2003). In this section, I systematically present the results of the grounds, warrants and conclusions made by the claims-makers as filtered through the newspaper media analyzed in this case study.

Grounds

The first step in the claims-making process is constructing the grounds of a troubling condition through diagnostic frames (Best, 2008). Diagnostic frames are used by claims-

makers to construct the meaning of a social problem, identify the perpetrators and the victims, and generally typify the parameters of the problem (Best, 2008). Below I present the results of the grounds of this case study, followed by the themes derived from the claims-making process.

Parameters of the Problem

The parameters of a social problem are constructed when claims-makers make claims about a particular social problem, its causes, and its consequences (Best, 2008). The first step is generally naming the problem (Best, 2008). In this case, one of the main things problematized was the definition and the use of the term “sexual assault”. A number of claims-makers referred to it as “a catch-all phrase police still use when describing the crime” (Offman, 2007: Nov 3). Law Professor Sheehy was quoted as having said sexual assault as a language that is “broad and vague and relatively innocuous compared to rape” (Offman, 2007: Nov 3). Security director Boudreault presumably agreed that assaults need to be “put into context” as “it could be a slap on the bum or it could be actual sexual intercourse” (Armstrong, 2007: Oct, 25). Even a student approached by *The Charlatan* commented “the term sexual assault is very broad...an all-encompassing term that includes anything from rape to any unwanted touch” (Pen, 2008: March 20). When the law was changed in 1983 it was intended to protect victims against the stigma of rape, however, due to its “ambiguous language” it may have had the “opposite effect” (Offman, 2007: Nov 3). According to criminologist Professor Holly Johnson of the University of Ottawa, Bill C-127 passed in 1983 “was largely interpreted as a favourable response to the law” because rates of sexual assault reports at the time skyrocketed (Offman, 2007: Nov 3, A1). Ten years later, however, in 1993 they declined and the “prevailing interpretation” has been that assaults themselves

have declined, which is not the case (Offman, 2007: Nov 3, A1). Seeing as the new terminology is perceived as vague, Professor Sheehy says “I would see value in having a separate offence for rape, something that would reflect the fact that someone’s life was held in the balance of a sexual attack” (Offman, 2007: Nov 3).

The broadness of the term sexual assault allowed for the media to repeatedly refer to Jane Doe’s case as rape instead of sexual assault. The mainstream newspaper media used the term rape 186 times when describing her case, and 15 times in the titles. Baker, the sexual assault nurse examiner (SANE) who responded to Jane Doe at the Ottawa hospital publically attempted to clarify Jane Doe’s position that she had been assaulted, but never raped, as “there was no penetration of her body, and for her, that’s a huge distinction that has to be made” (Gandhi, 2007: Sep 27, A4). She went on to say "as part of her culture, being a virgin is very important, and, if all of a sudden, everybody looks at her and says she's not a virgin, she's a lot less desirable as a wife" (Gandhi, 2007: Sep 27, A4). The need to clarify her situation was attributed to the survivor’s culture, where as a Muslim and unmarried woman she would be considered “not clean” (Boesveld, 2007: Sep 27, B7). According to Baker, four days after the assault when a rape examination kit was being performed (Boesveld, 2007: Sep 27: B7) Jane Doe had “told us right there and then she wasn’t raped” (Gandhi, 2007: Sep 27, A4). While the survivor clarified her victimization four days after the assault, the SANE representative did not disclose this information to the media until 20 days later. No one ever explained why this was the case. Jane Doe, the survivor of this case, was typified in the media as a Muslim, and therefore a vulnerable virgin female.

Typifying the Social Problem of Sexual Assault, its Victims and Villains

The parameters of sexual assault were discussed by various claims-makers. For the most part, claims-makers agreed that “a lot of violence happens behind closed doors” and usually “by someone you know” as was explained by Candice Price of the Womyn’s Centre (Jarratt, 2008: Nov 13). Lalonde confirms this (Singh, 2011: Nov 14) and Professor Moore clarifies that violence against women is more common than media coverage suggests, with 80% of assaults being committed by someone the survivor knows (Harrison, 2007: Sep 20). She claimed 25% of women at any Canadian university have been assaulted by a date or a boyfriend at one point during their university careers, and 90% of those assaults are not being reported to authorities due to various fears, like not being believed or being blamed (Harrison, 2007: Sep 20). Boudreault, on the other hand, was quoted as claiming “we haven’t had a sexual assault on campus that has been reported in the last two years” (Toulin, 2007: Sep 3). This statement was proven to be false by The Ottawa Citizen. Using access-to-information laws the Ottawa Citizen discloses how Carleton University officials were limiting the information they disclose to the public. This article revealed at least one sexual assault was reported to authorities at Carleton University since 2000; four sexual assaults were reported in 2004, eight in 2005, and five in 2006 (Egan, 2007: Oct 17).

Regardless of the fact that more sexual assaults had been reported to the Carleton University authorities, according to Professor Johnson, sexual assault is a “hidden crime” where “vulnerable” “young women of university age are at the highest risk” (Tam, 2007: Sep 15). This is because “this is a time when potential sexual predators really take advantage of women who are in a celebratory atmosphere” (Tam, 2007: Sep 15). Brigid, a sexual assault

counselor at the UBC, confirmed that drinking is often a factor in sexual assaults (Shufelt, 2007: Sep 5).

Furthermore, most claims-makers who do not represent the university administration claimed that sexual assault must be understood as a systemic social problem. According to CUSA's Melanson, instead of discussing this one incident as an isolated event, it is important to situate it in the broader theme of violence against women (Harrison, 2007: Sep 20). In her second talk at Carleton University, feminist and activist Jane Doe (not to be confused with the Jane Doe survivor of this case) commented about how "bizarre" it is that in our culture we discuss sexual assaults as isolated incidents instead of as systemic and broad (Armstrong, 2007: Oct 25). She was quoted as having said "rape is a tool of social control and works to maintain the status quo" (*The Charlatan*, 2010: Oct 28). Furthermore, she went on to say it has been "sewn into the fabric of society and into the institutions that govern the police and legal system" as it is a "highly institutionalized system" that has a detrimental effect on how rape is perceived and dealt with generally in society (*The Charlatan*, 2010: Oct 28). In a letter segment written by an anonymous student identifying herself as a rape survivor, the claims-maker agreed that rape is systemic, it is a tool men use to maintain power over women, and it is prevalent on campus (*The Charlatan*, 2011: Dec 7). Since the topic of sexual assault was reported on in *The Charlatan*, a number of individual women came forward and reported their victimization, in what Lalonde called a "plethora of complaints" (Schilz, 2011: Nov 9). A Carleton University law professor agreed "that sexual assault is happening all the time, not just at Carleton but all over Ottawa" (Singh, 2011: Nov 14).

Yet university officials continued to deny sexual assault is a problem at Carleton, individualizing this incident as a one-off. Security director Boudreault was quoted as claiming that this attack was but one “tragic event” in an otherwise “very safe campus” (Harkins, 2007). After three more incidents of sexual assault were reported to campus security, the director of university safety at that time, Burns, was quoted as having said “I hope that a couple of incidents like this isn’t sending out a message that Carleton isn’t safe” (Stackelberg, 2011: Nov 9). This understanding of sexual assault being a rare occurrence was confirmed by two criminologists contacted as experts to typify the offender and the case.

Danger, Safety and Security

Themes surrounding danger, safety and security were predominant in all the media, especially when it came to typifying the offender. Criminologist Darryl Davies from Carleton University suggests the suspect was familiar with the campus and this woman was not his first victim (Toulin, 2007: Sep 4). He was quoted as claiming the suspect is an “immature” “loner” who “served jail time” (Jackson, 2007: Sep 4). He called the suspect “psychotic and suicidal” and warns that if he is left uncaught, he “will get worse and worse” (Jackson, 2007: Sep 4). Furthermore, Davies warned “Many serial rapists become serial killers.” (Jackson, 2007: Sep 4). Hickey, a criminal profiler and director of Alliant International University in Fresno was quoted as saying “he thought this through” because he “wanted to make sure he didn’t get caught” (Seymour, 2007: Sep 5). Hickey went on to refer to rapist profiles used by the FBI to define serial offences. He concluded the police should be looking for an offender that falls under the category of “anger-retaliatory rapist” which he described as someone who feels a “profound sense of rejection” by women and so he “wants to get even with a woman” who is a “symbol for someone else” (Seymour, 2007: Sep 5).

Furthermore, Hickey said that sex is used as a “weapon to degrade and punish the victim” where “anger is the motivational factor” (Seymour, 2007: Sep 5). He expressed confidence that the attacker will “strike again” in six months (Seymour, 2007: Sep 5). While the police claimed there is “no evidence” of similar sexual assaults in Ottawa and that there is “nothing that has come out to suggest there is a serial pattern” (Seymour, 2007: Sep 5), along with Hickey and Davies, the police stated the perpetrator may have committed similar attacks in the past and so there is a “possibility he could strike again” (Seymour, 2007: Sep 14, A1).

As per these claims-makers, sexual assault can be perceived as an unpredictable and dangerous problem. It may, therefore, be reasonable for students to express fear over random and violent victimization, seeing as Davies was quoted as having claimed “You don't just start doing what he did. His attacks will get worse and worse. Many serial rapists become serial killers” (Jackson, 2007: Sep 4). This fear, however, may be misguided. Other claims-makers appear to be concerned with the reinforcement of stranger danger messages. Some claims-makers were quoted as suggesting that there seems to be a predominant “myth that it's not rape unless a guy in a ski mask grabs you in a dark alley” as per Goldsten, a member of the Jewish Women International of Canada (Offman, 2007: Nov 3). According to activist Jane Doe, stranger danger messages are unproductive and create unnecessary “fear mongering” (Armstrong, 2007: Oct 25). This is perceived as problematic by a social problem worker who said sensational stories “reinforce myths about sexual assault, while women let their guard down in real potentially dangerous situations” (Curran, 2007: Nov 4).

Many community members expressed increased fear of assaults perpetuated by strangers, probably because of the claims of the police and various other ‘expert’ claims-makers stating people need to be more vigilant and careful when it comes to their safety. The

majority of students and parents contacted to comment on the assault appear to be concerned. One student said “It makes you feel you're not secure even in the school” (Newman, 2007; Sep 3). Another student said “just even knowing that there's a chance of that happening is frightening” (Newman, 2007: Sep 3). This fear of victimization appears to be gendered, with many students calling on officials to make sure “female students are safe” (Toulin, 2007: Sep 3). CUSA’s Melanson also showed concern stating “a lot of young women are really quite nervous” and so CUSA took “extra safety precautions” for orientation (Shufelt, 2007: Sep 5), making it “explicitly clear that no one walks home alone” (Toulin, 2007: Sep 5, A10). Other students do not feel more unsafe at Carleton University than they would elsewhere, because, as an 18 year old student was quoted, “[s]exual assault is a threat everywhere you go” and “it could happen anywhere” (Toulin, 2007: Sep 5, B1).

For some claims-makers such as a Toronto community police officer this “heightened sense of awareness” created an atmosphere of fear and danger in which students feel less safe (MacIntosh, 2007: Oct 11). He was quoted as having said “people are reporting to us a lot more than usual” mostly “because of a heightened sense of awareness with regard to safety issues” not because of an actual increase in assaults (MacIntosh, 2007: Oct 11). “I don’t think our campus has gotten less safe, but I think students have become more aware of the risks for women on campus” agreed the director of institutional research and planning (Pagliaro, 2008: Jan 10). Regardless if some community members felt more fearful than others, all claimed “a lot has to be done” (Lin, 2007: Oct 25, C1) and “[s]tudents are expecting a strong response from the institution” (Toulin, 2007: Sep 3, A1). Many claims-makers, including Carleton community members, students, as well as staff and faculty, saw

this incident as an opportunity “to put pressure on them [the university] to put initiatives in place to eradicate violence against women” (Tam, 2007: Sep 15, E9).

Prior to reacting, presumably too quickly, the university administration wanted to make sure to avoid a “knee-jerk reaction” and ensure to “check the circumstances” surrounding this sexual assault (Toulin, 2007: Sep 3). As per the usual procedures, the first step was posting posters around campus with a description of the suspect and a list of emergency numbers students can contact (Scroggins, 2007: Dec 8, D3). In order to ensure students feel safe, according to the security director of Carleton University, Boudreault, the university tripled security numbers immediately following the assault, and providing security 24 hours per day and seven days per week while locking down every building after hours (Toulin, 2007: Sep 3). Additionally, he claimed the university increased the presence of special constables as well as student safety patrol (Toulin, 2007: Sep 3).

Next, they asked to “make sure people are vigilant and watchful, not fearful” (Egan, 2007: Sep 7, F1). Boudreault claimed that “locking the doors doesn’t prevent people from going in when others are coming out” (Toulin, 2007: Sep 3). Despite all these reactive security measures, the responsibility to stay safe was placed on the “female students” who, according to Connie Guberman, the University of Toronto status of women officer who acted as a consultant when Carleton University launched a safety audit after the attack, “should take such precautions as walking in groups and being aware of their surroundings” (Senger, 2009: Aug 8). The immediate official response of the university was to increase security measures in order to prevent a similar attack in the future. This, however, was contested by CUSA’s Melanson who was quoted as having said there is no evidence the university has “stepped up security presence” (Tam, 2007: Sep 15, E9).

Overall the official position of the university was to deny that sexual assault is a troubling condition on campus, claiming this was a one-off incident and the administration is doing everything it can so an incident like this one does not happen again. University officials repeatedly claimed it was a “random act of violence in an otherwise very safe campus” (Toulin, 2007: Sep 3). Carleton University security officials such as Boudreault stated “it is the only time, in the 15 years I’ve been at Carleton’s campus, that I’ve seen a sexual attack with this level of physical violence” (Egan, 2007: Sep 5) and so “all campus community members should feel safe” (Harkins, 2007: How safe is Carleton?). Intern President Mahmoud also vouched for the safety of Carleton University by saying he has “been at Carleton for 37 years, [and] has never seen anything like this” (Egan, 2007: Sep 7). He furthermore claimed “our records indicate” (Egan, 2007: Sep 7) that Carleton University is one of the “safest campuses in the country” (Shufelt, 2007: Sep 5). Lalonde claimed this framing of sexual violence as a one-off incident reinforces ‘stranger danger’ and is dismissive of the real dangers of sexual assault on campus (Lalonde, 2008: Oct 23). She claimed “the way in which Carleton frames sexual assault right now... You would think it’s going to be a stranger and it will happen in a public place” (Singh, 2011: Nov 14).

Statement of Defence: Blaming the Victim or Standard Legal Language?

The theme of responsabilizing individuals is made clear in Carleton University’s statement of defence. They framed their statement of defence in responsabilizing language, shifting the responsibility on the victim by claiming she was negligent to ensure her own safety, by failing to keep a “proper lookout” for her own safety (Seymour, 2009: Aug 7), by remaining on campus after her professor left, and by failing to lock the door and “register[ing] with the department of university as a student working late” (Seymour, 2009: Aug 7). The university claimed she is responsible because she “knew or ought to have

known” the steps to take to notify the safety department (Seymour, 2009: Aug 7).

Additionally, they claimed the damages she is seeking are due to “a pre-existing medical condition or other incident or conditions for which this defendant is not responsible in law” and that therefore her lawsuit against Carleton University should be dismissed (Seymour, 2009: Aug 7). For a copy of the full statement of defence, please refer to Appendix A.

This statement of defence made by Carleton University was perceived as “extremely problematic” by a number of claims-makers as it responsabilized the victim for the violence (Ryall, 2009: Aug 18). The vast majority of community members believed the official response to the settlement is a clear-cut case of officially blaming the victim. At a rally organized by the Coalition, students condemned the university’s defence in the lawsuit (Ryall, 2009: Aug 18). CUSA and GSA issue a joint press release criticizing the university’s statement for appearing to blame the victim (Drudi, 2009: Aug 8). The president of CGSA was quoted as saying it is “embarrassing and deplorable to see the university continue to blame the victim and reinforce the outdated and harmful stereotype that sexual assault is the fault of the woman” (Fines, 2009: 89). The president of CUSA, Halliwell, said “we’re quite saddened that it seems the university has viewed this sexual assault in a pretty dismissive manner” (Drudi, 2009: Aug 8, C1). Social problems worker Muonde was concerned about the statement of defence because:

it’s a reflection of our society’s values. This is their position...that’s what they believe, and that’s what they’re using as a defence. We don’t see it as separate...they’re suggesting that women should have a curfew. That if you’re in a certain place at a certain time, then anything that happens to you is well-deserved, and that’s not right (Drudi, 2009: Aug 8).

So instead of “doing something to help these victims” the school is blaming the victim, said a Carleton University student (Schilz, 2011: Nov 9). Overall, the statement of

defence was perceived as problematic by the vast majority of claims-makers who are not part of the university administration or legal experts because it is attempting to responsabilize the survivor for her own safety while working late on campus. However, the responsibility should be on “the university to ensure security measures are in place for everyone and especially women”, said a reporter (Davison, 2009; Aug 11: A9).

Various claims-makers acting as legal experts contested this understanding of the statement of defence. They claimed the language used in the statement of defence was simply “standard legal language” (Drudi, 2009: Aug 8). Feldthusen, the Dean of Common Law at the University of Ottawa said court statements are “inherently inflammatory” where each side must “overstate their case” (Fines, 2009). Orth, the lawyer representing Carleton University claimed to not believe the response was one of blaming the victim. She was quoted claiming “in no way is Carleton blaming the victim” and that

Carleton’s first priority is the safety of its students, and at the time of the incident, there were very significant number of safety protocols which were in place at the university...the way the pleading is worded is that Carleton has an obligation—which they met—in terms of providing these safety protocols. Somebody else turned that around that we’re blaming her (Drudi, 2009: Aug 8, C1).

For Susan Ursel, a labour and employment lawyer with Green and Cherver in Toronto, “the question is, at the time, [was] what they had sufficient?” “if they’ve opened the building at night to let students work in the lab, then they are going to be held to a standard of care that it’s a reasonably safe place to work” (Senger, 2009: Aug 8).

Ultimately, the case was settled out of court during mediation. In a statement released by Jane Doe’s lawyer Andrew Lister, he was claimed to have said the agreement recognized the pain and suffering caused by the sexual assault and “will allow the plaintiff to begin the process of moving on with her life” (Lawson, 2009: Aug 15, C1). The specific terms of the

agreement were not made public. Her lawyer said while “litigation can be painful” for victims, “we do not believe the university’s statement of defence in any way reflects an institutional belief that the plaintiff is to blame for the assault that took place” (Ryall, 2009: Aug 18). According to Lalonde, the major thing to come out of the settlement is that “Carleton has admitted they had some part in what happened” and “they acknowledged that they play a role in sexual assault prevention on campus” (Ryall, 2009: Aug 18).

Warrants

Part of effective claims-making is inspiring audience members to react to a troubling condition, generally done through warrants (Best, 2008). This can have an impact as it can lead to action by audience members. In this case claims-making was effective in inspiring the public. Activist Lalonde was quoted as having claimed she is “100% certain” that public pressure and outcries are what caused a quick settlement between the university and the plaintiff (Ryall, 2009: Aug 18). She claimed the administration is concerned with their “hurt” reputation (Singh, 2011: Nov 14). Furthermore she claimed “we think it just comes down to the fact that they think this is bad for the reputation of the school, that actually acknowledging violence happens on campus means that we are somehow promoting Carleton as a bad place to come to school” (Singh, 2011: Nov 14). Several students wrote in to *The Charlatan* anonymously disclosing they had to quit school because of a sexual victimization while in school. The Coalition members used this information and maintained people should care about sexual assault happening to students because an unsafe environment is not conducive to productive academic performance (Martin, 2011: Nov 9).

Vocabularies of motive which are emotionally charged were frequently used by claims-makers dramatizing the incident and the perpetrator. One such example comes from

those claims reportedly made by Professor Davies that the perpetrator in this case is a “dangerous” “loner” who will “strike again” in an attempt to appeal to the emotional side of the reader. Since university officials appear to downplay incidents of sexual violence on campus, Lalonde asks “how do you sleep at night, hearing students talk about trying to take their own life because there is no one there to support them?” (Kielburgr & Kielburgr, 2011; Nov 28: A19). She took this opportunity to claim “it is clear the administration doesn't support their students, so we have to” (Gerster, 2011: Nov 16). Additionally she clarified to the press that volunteers for their hotline are on duty from 8 am to midnight, stressing the need is “urgent” because they receive 3 to 4 calls a day, despite not being able to advertize on campus (Patterson, 2011: Mar 23, C1). Few claims-makers attempted to appeal to a more rational side of the reader. Some presented statistics that sexual assault leads to “lost productivity, experience multiple assaults, fear for their lives, and experience negative emotional consequences” (Curran, 2007; Nov 4: A4). University officials were silent in providing warrants, other than repeating that Carleton is a safe place to study, that the administration has done everything it can to ensure safety on campus.

Conclusions

Every claim offers a justification for taking action as the grounds identify the troubling condition and the warrants explain why something ought to be done about it. Eventually, all claims lead to conclusions, or statements about what should be done in order to address the particular social problem (Best, 2008). Generally, the nature of the conclusions is shaped by the claims presented in the grounds and warrants.

Responsibility for Prevention

One of the key issues addressed by many claims-makers in this case was regarding the responsibility for the prevention of sexual assault. The theme of responsibility over safety was initially framed as an individualistic one by the university administration claims-makers, claiming students must be careful to ensure their own safety. The president of student government was quoted as having said “individual students will be, and should be, more careful” (Toulin, 2007: Sep 3). University safety officials were concerned that “when there’s a large group of people, the opportunity is there. We’re telling students to take advantage of the safety programs that are available” (Beddaoui, 2011: Nov 8). Almost all other university officials agree. Intern President Mahmoud said “if students are working alone in a lab late at night, they should alert security” (Egan, 2007: Sep 7, F1). Following three more reported sexual assaults on campus in the next year, newly appointed President Runte was quoted as having claimed “it is impossible to say that everyone is secure everywhere at all times” and “we’ve done everything we can do. Quite a bit is up to them. You can put locks on the doors, but students have to use them” (Laucius, 2008: Aug 20, D1). The official university position is that they are providing all the services that other universities are providing, and so much of the responsibility falls on individual students to ensure their own safety.

Responsibilizing women for their safety, however, is “negative” because it restricts “women’s movements” and hence is not “productive”, according to feminist and activist Jane Doe (Armstrong, 2007: Oct 25). Furthermore, she claimed “rape is about men, and we need to stop looking at women at risk” (Armstrong, 2007: Oct 25). Other claims-makers agreed it is important for men to take ownership of violence against women. The Men Of Depth (MOD) Squad of Carleton University representative, Sutherland, said one such way to do

this is to deconstruct the traditional model of masculinity which is harmful both to men and women and replace it with a healthier model (Armstrong, 2007: Oct 25). In a student editorial, Schilz (2011: Aug 18) was quoted as saying “we need prevention and we need to get men involved...posters aren’t enough”. According to activist Lalonde, universities generally respond to sexual assault in “bandage and reactive solutions” which “don’t change the fact that you were just assaulted” and so she pondered “why don’t we prevent them from getting assaulted in the first place?” (Stackelberg, 2011: Nov 9). An anonymous student wrote to *The Charlatan* and said the way to do this is by eliminating a culture that encourages violence and dominance, such as, for example, making rape jokes like “I raped my exam” (*The Charlatan*, 2012: Jan 18). According to feminist activist Jane Doe, sexual assault issues must be tackled from an education perspective that does not only focus on the biology of sex and sexuality (Armstrong, 2007: Oct 25). This cannot be done without the institutional support of the university administration, hence why the vice-president of finance for the Student Federation at the University of Ottawa was quoted in *The Charlatan* as saying “university admins play a big role in ending violence against women” (Ryall, 2009: Aug 18).

Most of the aforementioned claims-makers, including Carleton University students and staff, feminist activist Jane Doe, along with student activists and student government members, all agreed sexual assault prevention must include responsabilizing and educating the perpetrators, not only the survivors. These claims-makers were reported as insisting that sexual assault must be conceptualized as a “systemic issue” which must be addressed at the “grassroots level”, through the SASC, (Scroggins, 2007: Sep 21, A1) in effect beginning to shift the blame for sexual violence from the victim to the perpetrator (Muonde, 2007: Sep 6,

C4). One female student commented how there is “too much emphasis on blaming the victim...the woman who was dressed wrong, the woman who was drinking. I think the focus should be on the man who committed rape” (Lin, 2007: Oct 25, C1). Many members of the Carleton community felt angered that “women have to constantly worry” about victimization (Campbell, 2007: Oct 20, B5). One anonymous woman said “while I refuse to live in fear, naturally I now have to take extra caution to ensure my safety and I resent having to do this” (Campbell, 2007: Oct 20, B5). During her talk, activist Jane Doe warned students to be mindful of safety warnings, particularly those that limit women’s movement and censor their behaviour, as university officials tend to “infantilize women” because they have a vested interest in downplaying sexual violence on campus (Tam, 2007: Oct 24, B1). The university is “a financial institution that runs like a business and thinks that it would lose income if it accepts that sexual violence and crime on campus is made known” (Tam, 2007: Oct 24, B1).

By claiming the assault was rare and unpreventable due to its unique circumstances, the Carleton University administration can distance themselves from assuming responsibility. The official response was to not only to claim the university had all the appropriate measures in place, but that this assault could have been prevented if the survivor had followed the procedures put in place by the university. This perspective was not shared by everybody.

Generic Services are not Enough

From the beginning of the claims-making process in this case the Coalition members and Carleton University students claimed that generic mental and health support services are not sufficient for sexual assault survivors as there is “no specialization for sexual assault” (Cahute, 2011: Nov 15). Additionally, Lalonde claimed “there [are] extra-long waiting times,

particularly during exam time and over the holidays” (Cahute, 2011: Nov 15). Several female students described the tremendous difficulties that they faced when disclosing their victimization. In a letter in *The Charlatan* the author wrote people have to wait “10, 12, even 15 rings” for an answer on the emergency phones, the phones “aren’t even accessible to people in wheelchairs”, “cameras aren’t visible and therefore not effective”, “security officers are distributed very unevenly” and “what’s worse is the attitude with which officers approach these issues which is a “very dismissive attitude” (Evans, 2012: Feb 16). A student who identifies as a rape survivor and claims she was “targeted to correct” her “queerness” wrote anonymously about her experience with sexual assault on campus and the services she received (*The Charlatan*, 2011: Dec 7). Her professor noticed she was absent more often and seemed upset, and walked her to health and counseling in hopes she would receive the help she needs. Instead, her experience with this was so negative that she reported she felt:

health and counseling was the reason I quit Carleton that year. I was trivialized, scrutinized, interrogated. I did not feel validated. They made me feel like what I was telling them wasn’t true. That it was so unbelievable that someone like me could be raped.

There are many other similar instances disclosed. Lalonde discussed a case where a student reported an incident to campus security and she was turned away and not believed (Kielburgr & Kielburgr, 2011: Nov 28, A19). She told another story of a woman who tried to commit suicide after calling health and counseling and no one returned her calls (Kielburgr & Kielburgr, 2011: Nov 28, A19).

There are students with differing opinions, however. Immediately following this incident students and the community began demanding better security measures. Several students and the Chief of police expressed concern over the low quality of video surveillance

at Carleton University calling it “atrocious” (see for example, Seymour, 2007: Sep 6, A12 and Toulin, 2007: Sep 5: B1). An international student commented how cameras and “signs announcing their presence” “can act as a deterrent” (Toulin, 2007; Sep 5: B1).

While some people were concerned with security measures, others believe focusing only on security measures only gives the illusion of safety. GSA’s Vaage, for example, was quoted as claiming that the presence of cameras only gives the perception of safety, as they are “not the be-all and end-all” considering the realities of sexual assault (Laucius, 2008: Aug 20, D1). Still, swipe cards and a security system limiting public access to certain buildings could potentially prevent attacks perpetuated by strangers. Such measures could have prevented this attack, was reported to have said criminology Professor Johnson. She added, by restricting “access to the building” it could “reduce the risk of a sexual assault by a stranger” (Tam, 2007: Sep 15, A1). Unlike Johnson, other criminologists like Davies believe because “sexual offenders are not deterred by the presence of security” as “you could have the most sophisticated security system in the world and not prevent an assault” (Toulin, 2007: Sep 4, E9) because additional surveillance cameras and officers do not scare off those willing to seek out victims for “heinous” and “irrational” acts (Toulin, 2007: Sep 4, E9).

In an opinion paper written in *The Charlatan*, Lalonde (2008: Oct 23) pointed out all the security upgrades she takes issue with. For instance, the Safe Pathways have better lighting and are designed for walking after dark while being more closely watched by CCTV cameras. This is “fantastic”, she claimed, “however, anyone with any knowledge of violence, and violence against women in particular, can tell you that a lack of stickers and cameras is not the problem” (Lalonde, 2008: Oct 23). What the administration is doing is “reinforcement of ‘stranger danger’” (Lalonde, 2008: Oct 23). Claims-makers such as

Lalonde, understand that safety on campus goes beyond security protocol and encompasses shifting responsibility from the victim to the perpetrator mainly through education. Safety therefore goes beyond security and can be achieved through a shift in attitude toward intolerance for violence against women. According to finance vice-president Petriu, this is the only shift that would “make a real difference” (Harrison, 2007: Sep 20).

The Need for a Sexual Assault Support Centre

Prior to discussing the results of this conclusion, it is important to note the debates surrounding the need for a sexual assault support centre were only reported on in *The Charlatan*. Following from claims that generic services offered at Carleton University are not enough to deal with sexually assaulted individuals, the Coalition members make recommendations as to what would help, claiming “What we need are visible services...public education campaigns that do not blame victims but instead are frank about where the real dangers lie. We need services that are free of wait times and accessible to all” (Lalonde, 2008: Oct 23). For many survivors, becoming politically involved toward eliminating rape culture is healing. According to activist Jane Doe “I took my rape politically and not personally, and that’s what saved me” (*The Charlatan*, 2010: Oct 28). Another Carleton University student claimed “fighting for the SASC in a way gave me a piece of myself back. I was not empowered, but felt real power” (Evans, 2012: Feb 16). For these reasons and more, the Carleton community and the Coalition members believe there is an “urgent” need for a dedicated SASC (Armstrong, 2007: Oct 25).

The proposed role of the SASC would be to provide support after an assault and educate the public on the realities of sexual violence, to educate the campus about a “climate of silent acceptance surrounding sexual assault” and to raise awareness toward the “ultimate

goal of ending sexual and gender based violence” (Martin, 2011: Nov 9). A Carleton University student and support worker in training for the Coalition help line was reported to have claimed Carleton students “need a centre” in order to “fight rape culture and the ideas people have in their minds surrounding sexual assault” (Singh, 2011: Nov 14). The SASC would have a presence during various school events, host conferences and raise awareness about the “reality of sexual violence”, said Lalonde (Singh, 2011: Nov 14). Melanson believes this to be one of the most important aspects of the centre because students feel they “do not know enough about sexual assault and its causes” (Lin, 2007: Oct 25: C1). Many social problem workers and activists claimed a “dedicated sexual assault centre” is a necessity in any campus (Tam, 2007: Oct 24, B1). This includes activist Jane Doe, who urged students and faculty to “listen to your youth and young people. Support students that support change” (*The Charlatan*, 2010; Oct 28).

Two separate referendums were organized by the Coalition and conducted by CUSA and GSA. The first asked graduate students if they support a peer-run SASC, and the second asked if they would be willing to pay a \$1 levy per full-time student to help fund it. In both cases, an overwhelming majority (80%) of students voted in favour (Peterson, 2009: June 3; SASC levy passed, 2011: March 30; Zydyk, 2008: March 13). The return of the Ravens football team in 2011, however, sparked another rise of complaints about the lack of a sexual assault support centre (Schilz, 2011: Nov 9). One student wrote she believes “if the administration can get behind a fun venture like football, admin also ought to help with something as serious and important as a sexual assault centre” (*The Charlatan*, 2011: July 28). She claimed the need is so strong that “students [are] using every opportunity to demand a centre” (*The Charlatan*, 2011: July 28) and in an editorial to *The Charlatan* another student

wrote “if we voted in favour once, we’ll vote in favour again. So give us students what we want, what we need, and quite frankly, what we deserve” (Schilz, 2011: Nov 14). There is, however, some who contest this claim for a SASC. One student wrote an opinion piece in to *The Charlatan* and claimed he does not agree with the need for SASC. He claimed “in the end the burden of this centre will fall on the students, who I might add, pay enough fees as it is” (Pen, 2008: March 20). Apart from this one student, there is no opposition to the need for a SASC from the student body published in *The Charlatan* over this time period.

While sexual assault survivors, students, members of the Coalition, CUSA, GSA, the Womyn’s Centre, and CUASA were reported as making claims that a centre is necessary, university officials strongly contest these claims. While university officials claim the administration plays “an important role” in ending sexual violence on campus (Pearson, 2012: Jan 4, C1), they did not agree the solution to the problem of sexual assault is a SASC. Referring to the \$1.6 million dollar investment in improving campus security, President Runte pointed out “significant investments” have already been devoted in order to make Carleton University “a safe place to study” (Pearson, 2012: Jan 4, C1). Other university officials specify that there are sufficient services on campus to deal with survivors of sexual assault. Equity Service’s Capperault is quoted as having said “we already offer all the main services that would typically be seen in a sexual assault centre” including counseling, medical services, and after-hours service when needed (Cahute, 2011: Nov 15). She was quoted as stating that a SASC is not necessary because “we have to be clear in our minds that having a centre is not going to prevent violence from happening” (Cahute, 2011: Nov 15). President Runte agreed that “a centre or a room doesn’t necessarily make a campus a safe place” (Dunlop, 2009: Aug 18, B1). She insisted that the campus is already a safer place,

especially after the security upgrades and the “qualified staff to assist with sexual assault victims” (Patterson, 2011: Mar 23, C1).

In response to pressure from the media, the student body, staff and faculty, the Carleton University administration began negotiations with the various Carleton group members about the potential role of a SASC. One key roadblock that students ran into is the dispute over funding. While students and the Coalition were hoping to “get direct funding from the administration”, they kept encountering the “chicken and egg paradox” as they need space before they know how much funding they need, but according to Lalonde “you can’t get space if you don’t have funding” (SASC levy passed, 2011: March 30). While they had been applying for funding, they have “been consistently denied by the university” (SASC levy passed, 2011: March 30). President Runte claimed that this is the case because students are asking for too many things and that the list of demands “was a really long list” (Stackelberg, 2011: Nov 9). In September 2011 CUSA and GSA began receiving the \$1 levy from graduate students and “you can’t ignore that” as “in itself solidifies that we have a presence on campus, students do think we should have a presence on campus, and students think there’s value in what we are proposing” said Lalonde (SASC levy passed, 2011: March 30). At first, President Runte denied having received a funding request with a specified amount and budget. Then, she stated there is a “committee to decide on space requests” and “they have not yet made any decisions”, implying decision-making is now out of her hands (SASC levy passed, 2011: March 30). Two years later, an agreement was reached over the space required for the SASC.

Students claimed that in order to achieve its goals and to be perceived as independent from university administration, the SASC should be peer-run. This was one of the main

disagreements between the two sides. GSA's vice-president of academics Elizabeth Whyte said students voted for a peer-to-peer, non-medical model so that students would have some control over its creation and operation (Kwan, 2011: March 6). Coalition members, activists, and other Carleton group members were reported as claiming a peer-run model is more effective because, according to Lalonde, students prefer the peer model as they do not feel comfortable disclosing their victimization to the police or university administration (Kielburgr & Kielburgr, 2011: Nov 28, A19). The Womyn's Centre representatives were identified by the Charlatan (?) as claiming that a student-run centre would improve confidentiality by eliminating ties to the Carleton University administration (Blenkarn, 2010: Feb 12) as well as fill the gaps in services offered by administration by providing peer-to-peer counseling (Kielburgr & Kielburgr, 2011: Nov 28, A19). In this space, students would be able to "have a dialogue" (Lin, 2007: Oct 25, C1) and have a "peer to talk to who provides a safe ear for young people who feel they have nowhere else to turn" (Kielburgr & Kielburgr, 2011: Nov 28, A19). This would complement the administrative services already offered at Carleton University.

Carleton University administration, however, rejected these claims. President Runte maintained "the university needs to have students work with professionals", adding that she would not want to give advice to students who were assaulted because she would not want to say the wrong thing (Stackelgerg, 2001: Nov 9). She seemed concerned with professionalization, saying:

we want students to be a primary player in the centre...but we also acknowledge this is a really important issue, the repercussions of sexual assault for many individuals are really serious, and that we need to ensure that there is an appropriate level of supervision (Pearson, 2012: Jan 4, C1).

Coalition members in turn rejected claims of the university administration concerning the peer-model. Coalition member Msoa wrote an article in which she stated that “survivors of sexual violence have consistently evaluated models employing non-medical, peer support, and survivor-directed frameworks as most helpful to them in healing from sexual violence” (Msoa, 2012: Jan 6, B5). A Sexual Assault Support Centre of Ottawa representative explained it has become evident through her work that one of the best practices for social services in general is peer-run services because “it’s for women by women and lots of people say you need experts to tell you, but it’s actually the women’s lived experiences that help support women way better” (Gerster, 2011: Nov 29). This information is backed by several student survivors who wrote in anonymously to *The Charlatan* revealing they were helped only by their peers. For instance, one girl says “I knew there were professional counselors on campus. I knew going to them was an option, but it didn't feel like one” because “[I] didn't feel seeing a counselor would be sufficiently confidential, or even helpful” and what she needed instead was “someone on my level to talk things through with, and as a first-year student living in residence who had just been raped by a ‘friend’ and fellow student, there was no one like this in my life” (Evans, 2012: Feb 16).

Two sexual assault centre representatives were contacted by *The Charlatan* as experts on administration-run and peer-run centres, from the University of Alberta and the University of British Columbia, respectively (Wang, 2012: Jan 16). The University of Alberta representative identified that an advantage of an administration-run centre is the long availability on campus and the long-term full commitment of the staff. She was reported to have said the cons included “none if you hire the right people” and people who “are ready to be the voice for this issue on campus” (Wang, 2012: Jan 16). The University of British

Columbia representative was claimed to have said the pros to a peer-run centre include the ability to change with the needs of the new students in a community peer-run space. The cons she listed were that relationships must be re-built with the newly elected student body every year. She claimed a peer-run centre would be most effective by collaborating with already existing programs by creating partnerships and connections with local community partners (Wang, 2012: Jan 16).

Ultimately, President Runte announced the new university-run office will be modelled after the University of Alberta SAC, and it will offer counseling, awareness and educational campaigns, along with training for student volunteers (Pearson, 2012: Jan 4, C1). Capperault proclaimed the centre “will in fact be supervised, I suppose, by Equity Services” and it is “going to provide us with lots of opportunities to build on what we’re already doing” (Cahute, 2012: Jan 4). In a written statement, President Runte said that the centre will include student-led education and support initiatives, but will not be peer-run. The centre would be “dedicated to offering proactive programming, including education, awareness campaigns and training, as well as support to individuals” (Stackelberg, 2012: Jan 5). After years of denying sexual assault is an issue at Carleton University, the administration finally admitted “we’ve known for some time now that sexual assault is an issue on all campuses” (Cahute, 2012: Jan 4). Finally, the university administration appears to have accepted sexual violence as problematic within the university. As a result, President Runte was reported to have stated that “we will continue to improve the services we offer” as “we all have an active role to play in effecting change and ending sexual violence” (Pearson, 2012: Jan 4, C1).

While the rest of the major claims-makers admitted that “on the whole it’s a bit of a victory”, in fact, according to Lalonde, “it is really concerning...that they’re putting together

a centre that they say is for the students, but doesn't reflect at all what the students have been asking for" (Stackelberg, 2012: Jan 5). She was reported to have claimed "the university has ignored and silenced the main message of student demands: that the centre be an independent and non-biased space for support" (*The Charlatan*, 2012: Jan 2). The main concern for the Coalition members was that "this university has spent the past five years telling students and media that sexual assault doesn't happen at Carleton, that we don't want to be known as a rape school" and so "to expect survivors to come and seek support from the same people who they've seen in the media saying that sexual assault is not a problem here and doesn't happen is just to completely misunderstand the issue of sexual assault itself" (Sing, 2012: Jan 12). She said the school acted in "bad faith" and ignored student demands who said student run "for a reason, which is that a lot of students don't feel comfortable going to the administration about their issues because they feel it's a conflict of interest" (Pearson, 2012: Jan 15, C1).

According to Lalonde, a peer-run centre is not about "who runs the center in terms of who gets paid, or who's boss...but in terms of who does the support, we are adamant that it is peers" says Lalonde (Spitz, 2012: Jan 6). Lalonde claimed that peers are capable of understanding and dealing with sexual assault survivors as is evident by the current hotline volunteers who undergo a "strenuous" screening process and 30 hour training session from Ottawa's Sexual Assault Support Centre, ensuring they are well prepared (Patterson, 2011: Mar 23, C1). So this result was perceived as "really problematic for us" because students are left "having no role, having no decision making power, having no leadership" (Cahute, 2012: Jan 4). Students, faculty, staff, CUSA, CUASA and GSA publicly express concerns with the university ignoring student calls for independent student-run facility. CUSA criticizes this

because decision making would not be 50-50 (Ritchie, 2012: Feb 1). Evans, chair of CUASA, said “unless there is room in the university’s proposal for student voice and control, it is hard to see how their vision will affect meaningful change for survivors of violence” (Spitz, 2012: Jan 6). As a result, the Coalition’s new goal at the time was to continue to work with administration to determine what the centre will like look like and pushing for a bigger role for students (Stackelberg, 2012: Jan 5).

Chapter Summary

In this chapter, I presented the results of the claims-making activities of the various claims-makers involved in this particular case, as constructed through the different newspaper media sources. In the following chapter, I discuss the significance of these results as they pertain to the social constructionist theory. Additionally, I utilize the findings of the literature review to conceptualize how sexual assault has been framed in the past and similarities with current framing of the issue.

Chapter 6: DISCUSSION

This discussion chapter relates the findings presented in chapter five back to the social constructionist theory and literature review. The grounds, warrants, and conclusions presented by each claims-maker of the case study and the themes derived are interpreted and contextualized.

Social Constructionist Research

This project has utilized the claims-making framework developed by Joel Best (2008) and Donileen Loseke (2003) to analyze the claims-making involved in a high-profile sexual assault that occurred at Carleton University in the summer of 2007. The role of the researcher operating within a social constructionist lens is to deconstruct the claims put forth by various individuals and groups, particularly those dominant claims-makers who use their position to ensure their claims achieve penetration into the public sphere (Best, 2008; Spector & Kitsuse, 1987). This particular high-profile sexual assault case was used as a case study to examine how the claims presented shaped the way in which the issue of campus sexual assault was framed and ultimately addressed as filtered through the various newspaper media. My aim in this case study was to explore these effects by addressing the following research question:

How was the social problem of [this] campus sexual assault and the responses to it constructed by the dominant claims-makers as depicted in the newspaper media?

In order to answer this research question and explore the themes that would come up throughout the research process, I employed a qualitative and quantitative content analysis method. The quantitative component of the thesis was conducted as a complement to the qualitative analysis of the media constructions of this event. The number of times a word

shows up cannot, in itself, indicate the messages portrayed in the articles. Hence, the qualitative component is needed to provide context and to assess the meaning behind the key words. Broadly, the words being used by the conventional newspaper data sources suggest they are focusing on certain types of issues, such as the event itself, the victim, and the perpetrator. *The Charlatan*, on the other hand, focuses on student demands and needs, such as the demands of the Coalition and the need for a SASC on campus. The reason for the differences in the types of stories produced by the different sources is their criteria for newsworthy stories and target audiences. Prior to analysing this finding further, I begin this discussion by presenting the claims-makers involved and their relationship with the newspaper media.

Claims-Making Activities through the Media

The Role of the Media and the Major Claims-Makers

To explore the claims-making activities about the Carleton University high-proliferate campus sexual assault, I have chosen to focus on some of the media coverage of that event. More specifically, I analyzed conventional newspaper media sources along with Carleton University's independent and volunteer-run student newspaper, *The Charlatan*. This was done to gain better understanding of the scope of the issue given their different criteria for newsworthiness, journalists and editors, and target audiences.

This particular case was thoroughly covered, especially at the beginning, by the conventional news media because it has many elements which make it newsworthy. It is an unconventional, violent, and extreme story, with unusual, shocking, and typifying circumstances which make it the ideal case for reporting (Best, 2008; Chermak, 1995; Surette, 1998). The fact that it was a "brutal" assault was repeated numerous times, which is

in line with research that indicates violent crime is more frequently reported than other types of crimes (Chermak, 1995; Landau, 2006; Surette, 1998). The sexual assault analyzed in this case study was particularly violent, and those violent aspects were emphasized in the conventional newspaper media as most of the stories covered discussed this violent aspect. Evidently, the story was thoroughly covered as it likely inspired an emotional and personal appeal (Loseke, 2003), which is partially why it received significant national media attention. Additionally, the event closely aligned with conventional and popular rape scripts (Bumiller, 2008; Sampert, 2010) as it involves all the elements of an ideal ‘real rape’ such as a random act of violence, committed by an unknown perpetrator, to an innocent victim, and in an agreeably respectable environment.

Consistent with the research on media reporting, the level of the threat associated with this sexual assault was reported as significant due to the random and unprovoked nature of the assault by a stranger. Research indicates there is a tendency of news media to overemphasize, and society to accept, violent crimes committed by strange perpetrators (Chenier, 2008; Surette, 1998). The emotive language used to emphasize these features potentially has the effect of emotionally connecting with the Carleton community through a shared sense of communal victimization (Young, 1996).

When sensational stories emerge, individuals who act as experts on a particular issue are contacted by the media to comment as authoritative voices on the particular issue (Best, 2008). In this case, various experts came forward and spoke out, including professors, lawyers, counselors, and social problems workers. These individuals addressed the public on issues surrounding not only this particular case, but also the social problem of sexual assault in general. Even though varying and contradicting claims make for interesting stories, not all

claims-makers are afforded equal importance in the media (Best, 2008; Ericson, Baranek & Chan, 1991). Ordinarily individuals higher on the hierarchy of credibility possess more authority to publically comment on the parameters of a particular social issue (Best, 2008; Loseke, 2003). Such individuals include experts and inside claims-makers (Best, 2008). Experts include individuals like Professor Davies, for example, who was repeatedly awarded that higher status not only because he is a criminology professor, but also because he is claimed to have “20 years experience working in the Canadian justice system” (Jackson, 2007: Sep 4). His hands-on experience working with offenders in addition to his academic qualifications granted him more of an authoritative voice to speak as an expert, regardless if he never published any original research on sexual violence himself. As a result, Professor Davies was afforded the power to label the problem, typify the people involved, and suggest appropriate solutions to it.

As a general rule, and similarly in this case, conventional media devote more time to hegemonic claims made by conventional claims-makers than unconventional ones (Best, 2008; Loseke, 2003). The claims of individuals like Professor Davies and criminal profiler Hickey are quoted more often because they adhere to hegemonic understandings of crime, criminality, and criminal justice. Both these individuals make claims which portray the perpetrator as a “dehumanized offender” who is different from the rest of ‘us’ (Bumiller, 2008: 13), the crime he committed as planned and deliberate, and the victim as innocent and vulnerable. These hegemonic claims adhering to rape scripts made by ‘experts’ in the field are attributed more significance and time than the claims of other claims-makers, particularly those with anti-hegemonic messages, like the Coalition members. These types of expert claims-makers inevitably gain dominance over the conceptualization of a particular event

(Snider, 2010). Other experts who were awarded a significant amount of time and room to make claims were legal actors, social problems workers, and other criminologists.

Unlike the conventional media, *The Charlatan* reported the opinions of significantly fewer proclaimed experts. Since they did not report the initial event, they did not contact the same experts as conventional media did. A few professors spoke out on raising awareness about the construction of sexual violence through the media and its dangers. Several social problems workers, particularly from the Womyn's Centre, were also contacted and commented on the statistical realities of sexual violence on campus. Other experts contacted were sexual assault centre representatives from two universities, the University of British Columbia and the University of Alberta. The claims of these individuals differed from hegemonic rape scripts and in fact, promoted anti-hegemonic discourses. Instead of focusing on this individual event as a one-off incident perpetrated by a strange offender, *The Charlatan* allowed experts in this field to discuss the widespread issue of sexual violence and the proclaimed rape culture on campus.

Experts are not the only types of claims-makers involved in the claims-making process. Other similar claims-makers whose claims are easily accepted as truth are inside claims-makers (Best, 2008) such as the university administration. In both mainstream newspapers and *The Charlatan* university administration are allotted a significant amount of coverage. Their claims were well represented, although only those claims they wanted to make public through press releases. Other research on the media coverage of claims-makers shows, after journalists, individuals representing a governmental institution are the secondary claims-makers most often quoted in the media (Ericson, Baranek, & Chan, 1991). These authorized knowers, like the Carleton University administration, provide simplistic and

individualistic explanations about crime (Surette, 1998). Perhaps these claims were more prevalent in the conventional media because it is common for the news media to take claims about social problems and report those using individualizing language, therefore effectively depoliticizing group conflicts (Snider, 1994). Within the current political climate of neoliberalism it is believed rape can be managed through risk management (Gotell, 2012). It follows university administrators framed the grounds of the issue of sexual violence on campus as perpetrated by random individuals, removed from the daily lived realities of students, and as manageable through security.

Other (potentially) influential claims-makers include social activists (Best, 2008). As a result of the Carleton University incident, in the fall of 2007 the Coalition for a Carleton Sexual Assault Centre was created. Supportive members of the Coalition include the Womyn's Centre, members of the Carleton University Student Association (CUSA), the Graduate Students Association (GSA), the Women's Resource Centre at the University of Ottawa, as well as Carleton University faculty and students from Carleton University and the University of Ottawa. According to social constructionist theory, activist claims-makers who are part of a social change group are outside claims-makers who do not hold strong political ties and, in order to attract public and media attention, usually resort to attention grabbing tactics like rallies and demonstrations (Best, 2008). In this case study, Coalition members organized rallies, demonstrations, as well as task forces to attract media attention and to promote their message to the wider public. Even still, their claims were not significantly represented in the mainstream newspaper media, though they were in *The Charlatan* post 2009.

There are those claims-makers, too, who are unable to attract the attention of the media because they are treated as dispossessed claims-makers (Best, 2008). That is, they are the individuals who lack power, wealth, or status and so their claims are not covered (Best, 2008). Given that some individuals within this case study were treated as dispossessed claims-makers, they resorted to alternative ways to bring their messages forward. Two such claims-makers were Professors Michael Mopas and Dawn Moore. As they explain in their article (2011), the media ignored their claims because they were dismissed as “lawyers” who did not have the same hands-on experience with offenders as, for instance, Professor Davies. Additionally, they used “cold-hard facts” to make their case which deemed them unattached scientists rather than a part of the violated community (191). On account of being dismissed by the media, these two professors used the vigil organized by the Coalition members to discuss two significant messages. The first was to contextualize the incident into the broader context of violence against women and the problem of being too easily incited by fear (Mopas & Moore, 2011). Additionally, they took the opportunity to speak with journalism students who were writing about this incident and discussed with them the realities of sexual violence on campus (Harrison, 2007: Sep 20). Research on this topic indicates it is difficult for outside claims-makers and those lower in the hierarchy of credibility to be featured in the media as they often promote anti-hegemonic discourses not easily accepted as truth (Ericson, Baranek & Chan, 1987; Loseke, 2008).

As is evident by the types of claims-makers being prioritized in the media by this case, claims-making does not occur on an even playing field and some claims-makers are given priority over others. Regardless of where the messages of the claims-makers occur, they all consist of claims which are made up of grounds, warrants, and conclusions.

Framing of Sexual Violence on Campus

Grounds: Typifying the Problem

A particular social condition is defined when claims-makers typify the parameters and nature of the social problem (Best, 2008). In order to do so, the claims-makers name the problem, identify its scope, specify the significance to society along with the harm caused, as well as typify the perpetrators and the victims involved (Best, 2008; Ibara & Kitseuse, 1993; Loseke, 2003). Through the construction of diagnostic frames claims-makers present the grounds of a social problem (Best, 2008; Loseke, 2003). These are important because they pave the way for the solutions to the problem as the solutions to a social problem flow from the way grounds about the problem are constructed (Best, 2008; Loseke, 2003). The first step in identifying a social problem is to typify it.

Typifying the Social Problem and Constructing Collective Identities

When claims-makers typify a social problem they must address the causes of the problem through diagnostic frames (Best, 2008; Loseke, 2003). The issue of sexual violence has been a part of the Canadian political agenda since the second wave feminist movement (Bumiller, 2008). In Canada's recent history, feminist activists have managed to politicize sexual violence leading to legal and institutional changes in how victimized women are treated. While these changes were meant to remove the stigma associated with sexual violation and improve the treatment of sexually violated individuals, they did not play out the way feminists had intended (Bumiller, 2008; Bonnycastle, 2000; Snider, 1994). Even though some sexual assaults involve a weapon and physical injury, under current sexual assault legislation in Canada it is impossible to know which incidents involve rape (Johnson, 2006). In this case study, claims-makers were criticizing the term sexual assault because is used as

“a catch-all phrase” people use when describing a sexual violation (Offman, 2007: Nov 3). The ambiguous nature of the term sexual assault can further stigmatize survivors. The survivor in this case is claimed to have experienced secondary victimization as a result of the media “misrepresent[ing]” her story and labelling her experience a rape (Offman, 2007: Nov 3).

Unlike what the media were reporting, the survivor adamantly denied, as did her SANE representative, ever being raped. She admitted to being sexually assaulted and beaten, however, she claimed there was never any penetration of her body (Gandhi, 2007: Sep 27, A4). Seeing as the sexual assault was so violent, the survivor reported it to the police. This is in line with current victimization survey findings that sexual attacks involving the use of threats or force are more likely than unwanted touching to be reported to the police (Sinha, 2013). Once the media were involved, the story was appropriated and as a consequence, it was used as a rhetorical tool to bring light to the social problem of sexual violence on campus generally. In keeping with the norms of media coverage of such issues, the wishes of the survivor were ignored and her case was repeatedly referred to as a rape. This (mis)treatment of the victim is typical of landmark cases, where the case becomes distanced from the victim and her story becomes appropriated as an all-purpose rhetorical tool for claims-makers used to serve their various political agendas (Best, 2008; Bumiller, 2008; Loseke, 2003).

When attributing causal factors to the problem that claims-makers must link it to either individual or social pathology (Loseke, 2003). In this case study, the university administration makes contradicting claims when it comes to typifying the sexual assaults that occur on campus. This incident was used as an example to individualize the problem of

sexual violence on campus by university officials who claimed this was a rare, unusual, and “random” event (Toulin, 2007: Sep 3). This framing of sexual violence sends the message that because such rapes are random and supposedly unpredictable, they are therefore unpreventable. This way of framing the incident serves to obscure the university’s responsibility in providing a safe space for its students and shifts the blame toward troublesome individuals.

Constructing the perpetrator as a “dangerous person” (Symour, 2007: Sep 14, A1) who “merits no protection” from the community (The Ottawa Citizen, 2007; Sep 17) serves to ‘other’ him from the community who consists of ‘normal’ men who do not, and would not, rape (Ellison & Munroe, 2009; Mopas & Moore, 2012). ‘Othering’ the perpetrator, however, serves another purpose: it separates the dangerous stranger from the rest of the community. This is how Professor Davies aligns himself with the community by ‘othering’ this perpetrator when he describes him as an outlaw, a “psychotic rapist” and an “immature” “loner” who has probably “served jail time” (Jackson, 2007: Sep 4). It is through the labeling of individuals as outlaws or criminals that feelings of belonging and community emerge (Mopas & Moore, 2012; Young, 1996). When the perpetrator committed this crime, he did so against the entire Ottawa community, not just the individual survivor. This community of victims are now bound together by a shared and collective sense and identity of victimization. Hence claiming the perpetrator “has forfeited his membership in the community” (The Ottawa Citizen, 2007: Sep 17) could be more easily accepted by audience members because the perpetrator is considered morally inferior and is therefore ostracised from the community (Lamb, 1999), which further serves to normalize stranger danger.

Constructing the perpetrator as a dangerous outsider is contested by a number of claims-makers within *The Charlatan*. Activist Jane Doe and Professor Moore are concerned that stranger danger messages create unnecessary “fear mongering” and limit women’s access to public spaces (Armstrong, 2007: Oct 25). Research indicates that such messages re-enforce a predominant rape myth that ‘real rape’ is inspired by violence, pathology, and deviance (Ellison & Munroe, 2009: 301). These rape myths construct ordinary men as incapable of sexual violence and women who claim they have been assaulted as exaggerating or vindictive and hysterical and therefore not to be believed (for some interesting results, see Fisher et al., 2000; Fisher et al., 2003; Kilpatrick et al, 2007). This creates a culture conducive to victim blaming, especially when a case does not match the designated ‘real rape’ scenario. This is but one example of a rape supportive culture.

A good illustration of this is the discourse surrounding unwanted sexual acts that occur in the presence of alcohol consumption, either by the survivor or the perpetrator. A literature review on alcohol consumption and sexual violence by Johnson and MacKay (2011) concludes men who perpetrate or attempt rape are more likely to drink heavily immediately prior to the assault than men who engage in consensual sex. This was precisely the case here too, as the perpetrator was reported by the police to have been drinking prior to the assault. As outlined in the literature review, alcohol has the tendency to increase male sexual aggressiveness and at the same time it impairs cognitive and motor functions of the brain, making it easier for an individual who would engage in non-consensual sex to do so (Abbey, 2002).

Unlike the university administration, members of the Coalition frame sexual violence on campus as a complex and systemic social issue. These claims-makers do not demonize the

perpetrator and do not dismiss this as an isolated incident, but instead situate this incident within the broader theme of violence against women. They frame the issue of sexual violence as a systemic one, linking its causes to structural inequalities rather than individual pathology. Just like feminist activists preceding them, these claims-makers perceive sexual violence as a political problem with gendered aspects (Bevequa, 2000; Bumiller, 2008). When sexual assault is conceptualized in this manner, it becomes a much more complex issue requiring a response that addresses these complexities. Instead of “infantaliz[ing]” women by issuing safety warnings and therefore reinforcing “stranger danger” (Lalonde, 2008: Oct 23) and creating “fear mongering” (Armstrong, 2007: Oct 25), they claimed the institutional response ought to be one that addresses sexual violence at the root causes.

According to the social constructionist perspective, constructing a troubling condition as complex is a less effective strategy than oversimplifying the complexity of the problem and the people involved (Best, 2008; Loseke, 2003). Despite the vicious violence involved in this case and the extreme harm inflicted on the survivor, it is not used by the Coalition or other similar claims-makers to typify the social problem of sexual violence on campus. In fact, the opposite happens where these claims-makers recognize this is an atypical case, and instead they call attention to “the real dangers” students face (Lalonde, 2008: Oct 23). All major claims-makers in this case claim the vast majority of sexual assaults are perpetrated by someone known to the victim, and according to the activist claims-makers, these are the types of sexual assaults the university ought to focus on preventing and responding to. Research indicates acquaintance and date rape are the most common form of sexual victimization on-campus (Brennan & Taylor-Butts, 2008; Fisher et al., 2003; Fisher et al., 2000; Tjaden & Thoennes, 2000). These stories are not typical, in that they do not conform

with the ‘real rape’ standard scenario, yet they still require a complex and effective response to their victimization. This is important because research shows women whose stories do not fit into the standard ‘real rape’ scenario are often declined a legitimate victim status (Dunn, 2010; Landau, 2006). The legitimacy of a victim depends on the way in which ‘victim’ categories are constructed by social movements and then appropriated at the institutional and societal levels.

The research literature indicates that there is a standard of innocence and that victims must adhere to it if they are to be perceived as legitimate and deserving victims (Christie, 1986; Dunn, 2010). One way to gain legitimacy as a victim is by being vulnerable and blameless (Dunn, 2005). In this case, the vulnerability of the survivor is self-evident given the circumstances of the assault and the type of violence she endured. The construction of the victim as vulnerable is important because it is used by the media to typify her as the ideal victim. Identifying her as Muslim woman served the purpose of branding her a virgin, further contributing to her construction as innocent and vulnerable. As a result, because she lives up to the ideal standard of innocence (Dunn, 2010), she cannot be blamed for the “brutal violence” she encountered (Toulin, 2007: Sep 4) because she is entirely “innocent” (Gandhi, 2007: Sep 27, A4). Dunn (2010) agrees it is easier to feel empathy for individuals who are perceived as blameless. Inevitably, these binary constructions of the victim as totally innocent and the perpetrator as a dangerous ‘other’ contribute to conventional and recurring rape scripts and reinforce rape myths.

The stigma associated with being sexually violated ensures that sexual assaults remain the most underreported crimes of all (Brennan & Taylor-Butts, 2008; Fisher et al., 2003; Koss et al, 1987; Johnson, 2006). Since this incident was made public, a number of

women came forward with their stories of secondary victimization from the university administration. They claimed the university directly minimized their victimization experiences by dismissing them or by blaming them. These women claimed they were further stigmatized for being sexually assaulted rather than helped by the very services designed to help them. After enduring such a serious violation as a sexual assault and after gaining the strength to report their victimization, these survivors were dismissed, interrogated, and left to struggle on their own. Undoubtedly, this treatment of women leaves them feeling revictimized and further traumatized. Dunn (2010) problematizes the construction of the ideal victim by showing victims who are perceived as somehow responsible for their victimization are not warranted sympathy and are often blamed for their victimization. Largely this results from adherence to rape scripts which serve to justify a particular type of assault or dismiss a particular type of victim (Bonnycastle, 2000; Comack & Peter, 2005). Another way in which the administration minimizes the lived experiences of sexual assault survivors is by openly and continuously denying sexual assault is a problem on their campus.

In addition to the treatment they encounter when they report their victimization, many women feel violated because their stories become appropriated by more dominant discourses and their voice is lost in the process. Regardless of where or to whom a sexual assault occurs, the voices of the victims are often silenced or appropriated by actors and discourses more dominant in the claims making hierarchy (Bumiller, 2008). In this case, although the survivor's identity was never publically revealed, her story was appropriated by the various claims-makers and used for various rhetorical and political purposes while her version of the story and her wishes were ignored. The media repeatedly reported the sexual assault as a

rape, because using the term rape is more emotive and emotionally charged, making for more entertaining news. The university administration used it to typify the problem, and the Coalition members used it to sustain a continuous discussion on university sexual violence. It is foreseeable, then, that this survivor became quite “distracted” reportedly claiming “people are reporting things that aren’t even true. I’m reading this stuff in the paper and all over the news and this stuff didn’t even happen” (Boesveld, 2007: Sep 27, B7). As per usual, however, the voice of the survivor is silenced over other more dominant discourses.

It is no wonder, then, that women are reluctant to report their victimization to authorities. Several research studies have concluded that only a handful of college student sexual assault victims report their victimization to police or other campus authorities (Brennan & Taylor-Butts, 2008; Fisher et al., 2003; Koss et al, 1987; Johnson, 2006). This is “especially true when administration have made it clear to victims that they do not believe sexual assault happens on their campus” (Bohner & Parrot, 1993: 21). In this particular case, the administration is adamant that sexual assault is not problematic on campus. In fact, security director Boudreault is quoted a number of times as having used the reported rates of sexual assault as evidence it does not happen at Carleton University. That is, to say the least, a misguided way of interpreting official data. Victimization data indicates official reported statistics are an inaccurate way of measuring the rate of sexual victimization, considering the vast majority of sexual assaults are never reported (Brennan & Taylor-Butts, 2008; Johnson, 2012; Sinha, 2013). Additionally, research has revealed not only that the vast majority of sexual assaults are never reported, but when they are, police and campus authorities are more dismissive of half the cases reported to them (Campbell, 1995; Johnson, 2012). In the literature, this is claimed to stem from adherence to cultural feeling rules which create a

stereotype of a victim who is a deserving or undeserving victim based on norms about the legitimacy and moral status of the victim (Landau, 2006; Loseke, 2003).

Evidently, the legitimate status of a victim is awarded in cases where the victim's circumstances align with the typical images of victims which are produced through claims-making (Dunn, 2010). This is why the claims-making process is so significant. The self-identification as a victim depends on the claims survivors hear. Despite the official university's conception of victimization, Carleton University students relied on the claims of the Coalition members and other activists and experts quoted in *The Charlatan* to inform them of "the real dangers of sexual assault on campus" (Lalonde, 2008: Oct 23). This is why after claims-makers began constructing sexual assault in a particular manner, students began disclosing and reporting their experiences of sexual assault to campus authorities in what Lalonde calls a "plethora of complaints" (Schilz, 2011: Nov 9). This was done partially to show the administration that sexual assault is rampant on campus, in hopes of convincing the university officials they need to do more than provide generic services to deal with the specific needs of sexual assault survivors; they need to do more than demonize and normalize strange offenders while telling women how to behave, how to manage risk, and how to limit their access to public space.

Constructing Danger and Safety: Responsibility for Prevention

In this particular case, as expected, Carleton University's official administrative response was an individualized one. Even when it comes to prevention, the administration shifts the responsibility to the individual students. More specifically, the responsibility is placed on "female students" to ensure that they are not walking alone at night (Senger, 2009: Aug 8) and to take "advantage of the safety programs that are available" (Beddaoui, 2011:

Nov 8). This is exemplified particularly well in the way the university responded in their statement of defence after Jane Doe sued the school for negligence. In their statement of defence, the university claimed they had all the proper procedures in place but the survivor failed to adhere to them, and as such, the assault that occurred and the consequences she suffered were not as a result of the failings of the university. In other words, the incident was her fault because she failed to adhere to the university protocol. Constructing the victim as structurally vulnerable *only* because she did not follow the set out procedures of the university as a student working late allowed the university administration to shift the blame of responsibility from the university to the individual student. Moreover, it allowed them to claim their procedures and services offered are sufficient and effective, however it is up to the students to use them properly.

Perhaps this is the reason a majority of claims made by university officials urged students to use the services already provided in order to stay safe. This understanding of sexual assault responsabilizes students to “live up to the neo-liberal ethos” by staying involved in all the necessary processes which supposedly keep them safe (Comack & Peter, 2005: 298). This is a common claims-making strategy currently in any “tragedy” where victims are responsabilized for any role they may have potentially played in their own victimization, which is done to keep victims from realizing their victimization status and to ensure the institutional responsibility for keeping students safe is left unquestioned (for an excellent analysis of this type of institutional response, see Tombs and Whyte, 2007). Hence, by claiming the Jane Doe of this case was negligent in following the set out procedures and guidelines the university administration displaces the responsibility of the assault squarely on the survivor. She was expected to be, as women are, “tough targets of

rape” by engaging in risk managing behaviours to prevent sexual violence from occurring, as if it up to women to stop it (Gotell, 2012: 252). These types of response not only responsabilizes the survivor, but also individualizes the social problem of sexual assault on campus. Displacing responsibility on to each individual (female) student allows the university to downplay its role in violence prevention on campus.

Such individualizing responses, however, are problematic because they function to obscure structural forms of pathology, allowing the university to divert responsibility from the social, or the institution, to the individual, or the student (Gotell, 2012; Tombs & Whyte, 2007). While the security measures they had in place were ineffective in this case to begin with, the administration spent an additional \$1.6 million allocated toward improving and increasing campus security. While some individual students were reported in the conventional newspaper media to feel safer with the increases in security, other students and staff heavily criticized this response via *The Charlatan*. These increases in security, while presumed to increase safety, do not necessarily have that effect because the majority of sexual assaults committed on campus are perpetrated by a known perpetrator. The administration is using the rhetoric of unreason, which assumes a rational person is fully informed and in control of one’s life, to shift the responsibility for prevention of sexual violence to individual students (Ibara & Kitseuse, 1993). While this is a common idiom used by persons or institutions of greater power and authority and it works well within neoliberal times where notions of individual responsibility prevail (Bumiller, 2008; Comack & Peter, 2005), it does not provide a space where conversations about legitimate and helpful solutions to survivors could take place.

This institutional response frustrated the Carleton community members who believed it was blatant victim blaming. There were a number of debates in the media via various claims-makers, such as the Coalition members and experts such as lawyers and professors, over whether or not the institutional response was in fact victim blaming. In the sexual violence literature victim blaming occurs when the survivor is responsabilized for playing a part in her own victimization (Ellison & Munroe, 2009). This is precisely what the survivor of this case was being accused of. The response of the statement of defence brought forth the second largest influx of media attention, both conventional and through *The Charlatan*, to the case since it first unfolded. It acted as a great time to address the larger societal issues some claims-makers believed needed addressing.

The way in which claims-makers construct the grounds of a particular social problem paves the way for the types of solutions to be proposed (Best, 2008). Prior to proposing solutions, however, they construct claims as to why audience members ought to be concerned about the social problem (Best, 2008; Loseke, 2003). In the following section the warrants of the case are presented as per the various claims-makers as filtered through the media.

Warrants

Warrants justify how and why audience members ought to react to an acclaimed troubling social condition (Best, 2008). Through motivational frames claims-makers aim to persuade audience members by making claims appealing to logic or emotion (Loseke, 2003). According to two Carleton University professors, Mopas and Moore (2012), who were personally involved in this case, claims-making is not necessarily about establishing the truth about a social problem but instead it is about establishing a connection with the audience

members. Furthermore, they claim debates over social problems are not simply a contest over expert knowledge and the authority to speak about crime. Instead, they are contests over who could most effectively engage with the readers and listeners on an emotional level. Expert claims-makers like Professor Davies and criminal profiler Hickey used presumably scientific claims in combination with emotive language in an effort to connect with the audiences at an emotional level. Emotionally charged language along with the seemingly objective profiling of the perpetrator were a perfect combination of appealing both to the audience's emotions and logic through supposed scientific claims by acclaimed experts. According Best (2008) and Loseke (2003) this is the best combination for making successful claims. While Loseke (2003) suggests scientific claims presented in an objective and neutral manner are most effective, in this case at least two of the experts who adopted that approach were disregarded by the media because their claims were not also emotionally appealing and therefore they did not effectively engage the interest of the media (for an excellent analysis of this, please refer to Mopas and Moore, 2012).

There are other warrants presented which appeal to logic because they are claimed to violate cultural notions of fairness, equality, autonomy, agency, and religion (Best, 2008; Dunn & Powell, 2007; Loseke, 2003). An excellent example of this type of violation comes from Lalonde discussing the issue of sexual assault on campus with Kielburgr and Kielburgr (2011). In this article, she gives a number of examples as to how students are suffering, being forced to drop out of school, and how the services offered by the university are simply insufficient. She then cleverly takes this opportunity to appeal to the audiences emotions by asking university officials "how do you sleep at night, hearing students talk about trying to take their own life because there is no one there to support them?" (A19).

From the few warrants presented in this case the most powerful were appeals to emotion. One example is Coalition claims-makers telling audience members, including the university administration, that sexual violence on campus is intolerable because so many people are suffering silently. They use moral and emotive language to make their claims more powerful and effective, situating problems in a moral universe through the use of moral vocabularies (Dunn, 2010). These include vocabularies such as claiming to be “disgusted” with the administration, using emotional language like “how many more women have to be beaten or raped or sexually assaulted?” and “If three in one month is not enough for a sexual assault centre then something is really wrong” (Vynck, 2011: Nov 29).

Especially from the grounds and warrants stemming from the Coalition members as presented through *The Charlatan* many students and community members became involved in the Coalition’s mission to demand a peer-run sexual assault support centre to provide education on sexual violence issues. Many of these people demanded action from the university by writing letters to *The Charlatan*, by voting yes to the two levies demanding a sexual assault centre, and by becoming involved in rallies and demonstrations. After presenting warrants motivating audience members to act, the last part of the claims-making activities is to provide audiences with practical solutions to the proclaimed social problem.

Conclusions: The Need for a Campus Sexual Assault Support Centre

In the final part of the claims-making process, claims-makers aim to provide the audience members with solutions to alleviate or eliminate the acclaimed social problem (Best, 2008; Loseke, 2003). In their grounds, the Coalition members claimed that sexual assault on campus is prevalent and needs to be addressed at a systemic level. They believed that the way to eradicate sexual violence on campus is by addressing prevailing rape myths

and rape culture. They claimed that the university is responsible for providing said protection via a sexual assault support centre that would fight rape culture by educating people about the “reality of sexual violence” (Singh, 2011: Nov 14). This can be done by dismantling predominant rape myths and stereotypes, because it is ignorance of these that contributes to acts of sexual violence and ignorance of certain acts as violent (Burgess, 2007; DeKeseredy & Kelly, 1993; Hocket et al., 2009; McMahan, 2010; Suarez & Gadalla, 2010).

Current research and meta-analyses indicate university and college students adhere to numerous damaging rape myths (Burgess, 2007; Hocket et al., 2009; Suarez & Gadalla, 2010). General oppressive attitudes toward women, combined measures of sexism, victim-blaming attitudes, acceptance of interpersonal violence, low feminist identity and adversarial sexual beliefs, all have a serious effect on acceptance of myths (Suarez & Gadalla, 2010). Other factors include pledging a fraternity, being an athlete, no previous rape education, not knowing someone who has been sexually assaulted (McMahan, 2010), playboy behaviour, machismo, use of degrading and offensive images of women, and sociosexuality (Suarez & Gadalla, 2010). These studies show men are scoring consistently and significantly higher than women (Hocket et al., 2009; McMahan, 2010; Suarez & Gadalla, 2010). Such studies also conclude rape supportive attitudes lead to victim blaming (Currier & Carlson, 2009). Rape myths and victim blaming exist as a result of societal acceptance of certain acts and behaviours as normal (Johston & Dawson, 2010). Coalition members were demanding a sexual assault support centre to educate the public in hopes of shifting responsibility and blame from the victim to the perpetrator (Muonde, 2007: Sep 6, C4).

Current research indicates there is a need to educate individuals on the realities of sexual assault and the predominance of rape myths in order to tackle sexual violence at its

roots. Instead of teaching women it is their responsibility to avoid rape, it is more effective of a strategy to teach men not to rape. In order to combat sexual violence the focus would have to be on the systemic nature of the social problem. This is why the demands of the Coalition members were similar to those of the feminist movements in the 1970s – to bring sexual assault to the political agenda (of the university) and to begin defining rape as a systemic and political issue rather than individual and personal (Bevequa, 2000).

The university administration on the other hand, focuses on individual rather than social pathology and as such they oppose the claims concerning the need for a SASC on campus. Instead they respond by increasing security measures already in place. The significant amount of public pressure that the administration was facing led them to eventually reluctantly admit that sexual assault is a problem on every campus; however, they continued to deny the need for a SASC claiming that it “is not going to prevent violence from happening” (Cahute, 2011: Nov 15). In sympathetic counterheterotics, claims-makers accept that there is a social problem at hand; however they deny the requests for a solution, claiming the troubling condition is inevitable (Ibara & Kitseuse, 1993). Acceptance of sexual assault as inevitable is what has come to be known in the literature as rape culture. According to Buchwald, Fletcher and Roth (2005) within rape culture individuals assume sexual violence is a fact of life which is inevitable. Reality is, however, that much of what is accepted by society as inevitable are expressions of values and attitudes that can, and do, constantly change (Buchwald, Fletcher & Roth, 2005). The administration can play a significant role in ending sexual violence through education on shifting blame from the survivors to the perpetrators and acceptance of rape as not normal.

Unlike the university administration, several claims-makers, including Coalition members and survivors of sexual assault, claim security, health, and counseling services offered by the university are not sensitive enough to deal with the particular needs of survivors of sexual violence. Current literature shows that sexual assault survivors often experience secondary victimization when reporting their victimization experiences to authorities (Campbell, 1995; Campbell, 2006; Comack & Peter, 2005; DuMont, Miller, & Myhr, 2003; Ullman & Townsend, 2007). As a result of this, various claims-makers including Coalition members, individual students, and Carleton University staff maintained that a peer model would make survivors feel more comfortable disclosing their victimization experiences and seek help (Kielburgr & Kielburgr, 2011: Nov 28, A19). A Carleton University student survivor claims “we know the peer/feminist/anti-oppression support model works” (*The Charlatan*, 2011: Dec 7). The mission of the Coalition was similar to that of the early RCCs which emerged through grassroots organizing. Their goals were to provide a safe space and support sexually assaulted women as well as to create social change by challenging social structures that enable sexual violence (Beres, Crow, & Gotell, 2009). The Coalition members proposed, in congruence with the research, that when sexual assault is understood and conceptualized as both personal and political, it is more helpful for survivors (Bevacqua, 2000).

Like early RCCs, the Coalition members were demanding a peer-based, therefore less hierarchal and more consensus-based decision making centre (Beres, Crow, & Gotell, 2009). This alignment with the administration ensures the university has more decision making power than the students, which was a key concern of the Coalition members because much of the decision making regarding the centre was done behind closed doors, where no

members of the media or the Coalition were involved. According to Best (2008), this is typical of inside claims-makers who have the power to alter policy. Despite the public pressure for a peer-to-peer model, the university administration decided to open up an administration-run SASC that would be overlooked by Equity Services (Stackelberg, 2012: Jan 5). The university administration claimed “the university needs to have students work with professionals” (Stackelberg, 2011: Nov 9) because of the concern that there needs to be “an appropriate level of supervision” (Pearson, 2012: Jan 4, C1). This pressure and need for professionalization and bureaucracy is a common trend within the current neoliberal political era (Beres, Crow, & Gotell, 2009; Bumiller, 2008). The push toward professionalization and bureaucratization has been felt by rape crisis centres throughout the country due to the need to sustain stable governmental funding (Beres, Crow & Gotell, 2009; Bumiller, 2008). Consequently, many claims-makers in this case were doubtful the administration-run SASC will affect meaningful change for survivors (Spitz, 2012: Jan 6).

The university administration framed the issue of sexual assault through an individualistic paradigm, and so it is expected that their solutions stem from a similar understanding. Consequently, their response to post warning signs around campus and to immediately increase security measures rather than explore eradicating the root causes of sexual violence was to be expected. They framed these reactionary solutions as effective in dealing with the social issue of sexual violence, because after all, they framed sexual violence, based on this incident, as a one-time “tragic event” in an otherwise “very safe campus” (Harkins, 2007). According to Lalonde one of the main issues was that Carleton University framed sexual assault as uncommon on campus in order not to be known as a “rape school” (Sing, 2012: Jan 12). Research shows that when administration denies sexual

assault being an issue, students are reluctant to seek help from services provided on campus (Bohner & Parrot, 1993). Apparently the university's response was not necessarily intended to improve the conditions for sexually assaulted students, but instead, to quiet the demands of the students who were putting ever increasing pressure on the administration. The "barn door closers" institutional response is an attempt to decrease the problems associated with sexual assault after mishandling a case (Bohner & Parrot, 1993: 130). The main interest the institution has is minimizing liability and protecting its reputation.

Still, they faced tremendous pressure from various claims-makers as students claimed to feel unsafe. In the hopes of silencing student fears, a year following the assault the university announced having implemented \$1.6 million into upgrading security. This is a typical technical and superficial response by university officials which only serves the function of silencing fears of the public rather than producing substantial social change (Bummiller, 2008). By increasing security and choosing to ignore the social contexts under which sexual violence flourishes shows the university prioritizes sexual assaults committed by strangers as worse than those by acquaintances. Instead of looking at the lived realities of sexual violence, the university is normalizing sexual violence by choosing to ignore the cultural and structural factors that oppress women and foster violence (Berns, 2001). This type of public posturing does not prevent future assaults or produce significant changes in victimization rates. This is why Coalition member Lalonde takes issue with the security upgrades on campus. She claims they are "bandage and reactive solutions" (Stackelberg, 2011: Nov 9) and "anyone with any knowledge of violence, and violence against women in particular" would be able to tell that "a lack of cameras is not the problem" (Lalonde, 2008: Oct 23). This problem is systemic, and many claim it can be attributed to, and it must be

addressed by, tackling the rape-supportive attitudes within the culture we live in (Buchwald, Fletcher, & Roth, 2005).

Chapter Summary

This chapter contextualized the findings of this case study by analyzing the results with a social constructionist lens. It identified how this high profile event prompted the technocratic responses of the university administration, as well as the unconventional claims of the student activists. Through the grounds, warrants, and conclusions as presented by the newspaper media, the university administration claimed to have dealt with this as a one-off incident. On the other hand, the activists involved in this case attempted to empower survivors of sexual violence by framing the issue and the responses to it as systemic and cultural. They questioned the social, cultural, and political discourses which underpin the acceptance of rape culture. The final chapter concludes this thesis and discusses the ways in which this social constructionist research applies to similar current events on Canadian university campuses.

Chapter 7: CONCLUSION

Throughout this thesis project, I have been guided by the work of Joel Best and Donileen Loseke. While Best does not address the issue of sexual violence directly, Loseke does. Nonetheless, there is considerable overlap between the claims-making process they describe and the way in which claims were put forward and reacted to in response to the Carleton University sexual assault analyzed in this case study. Although Best and Loseke point out that the creation and maintenance of a dominant ideology is an active and ongoing process and thus subject to change, they acknowledge that this process is heavily biased towards use by those already in dominant positions with regard to the current discourse. The dominance of a particular ideology is maintained by claims supporting its position being perceived as legitimate, while the legitimacy of any claim is increased by their accordance with the beliefs and understanding outlined by the dominant ideology. The relationship between claims and ideology form a feedback loop whereby certain claims both support and are supported by the ideology dominant at the time. This form of ideological renewal is evident in the media coverage of the sexual assault that occurred at Carleton University. In this case, many groups came forward to present various claims regarding the definition of and response to the social problem as they saw it. However, it was those claims that were in agreement with the dominant neoliberal ideology and, more specifically, that were emotive in nature, that were given the most attention and credibility in the conventional media. Similarly the groups, individuals, and institutions that represented these dominant understandings of sexual violence were given the bulk of media attention and were presented as more credible sources than other claims-makers.

While this confirmation bias is considerable, political ideologies are not impervious to change. The substantial legal and social reforms regarding the issue of sexual assault that occurred in the 1960's and 1970's is testament to the fluid nature of ideological reaffirmation. While the reforms made were largely adopted because of their agreement with the dominant political ideology of the time, it is true that such reforms represent a break, however small, from the understanding and response to sexual assault that defined previous historical periods.

More recently, activists and scholars have again argued for a redefinition of sexual violence, and not without some success. Acknowledgement of the social and cultural factors that support this form of abuse is increasingly being brought before the public eye. "Don't be that guy", "Slutwalks", and "No means no" campaigns are achieving considerable penetration within society at large and beginning to shift the conversation away from the stranger danger and victim blaming rhetoric relied on previously. In the case of the Carleton University sexual assault, the campus community engaged in a substantial degree of progressive activism and awareness-raising regarding this issue in the months and years following the attack and have raised serious questions regarding the nature and extent of rape culture on campus. While these forms of arguments are still in the early stages of seriously challenging the established beliefs around this issue, the progress being made is encouraging.

Despite the progress being made in these areas, however, claims made regarding this form of redefinition of the issue are encountering substantial resistance. Rape myths relying on a classical conception of 'real rape' are still widely subscribed to by many segments of the population, including many of those in positions of authority. In a debate aired recently on CBC Radio, two proclaimed experts were invited to discuss the issue of rape culture

within Canadian campuses (CBC, 2014: March 24). On one side of the debate was Lise Gotell, a distinguished feminist scholar and chair of the Department of Women's and Gender Studies at the University of Alberta. On the other was Heather Macdonald, a prominent conservative pundit and researcher at the Manhattan Institute. During this debate, Macdonald argued against the current push towards discussing rape culture as a significant issue on Canadian campuses. In critiquing this movement, she relied on presenting a string of classic rape myths. When Gotell referenced the startling prevalence of sexual assaults on campus, Macdonald claimed that "actual rapes" are different and not as pervasive as "some feminists" would claim. She insisted (real) sexual assault victims would not have sex with their attacker after being raped "at knifepoint", which disregards research indicating most sexual assaults occur within a relationship or acquaintance context. She argued women "could wipe out sexual assault overnight" by "protecting" themselves through "not drinking themselves blotto at parties and get(ting) in bed with a guy"; staying away from particular areas; and, most tellingly, suggesting women boycott sex. While Gotell attempted to clarify that sexual violence cannot be eradicated by "wrapping young women in wool", the exposure given the rhetoric presented by this proclaimed expert on national radio is telling of the culture in which this issue is being debated.

University campuses are not exempt from this resistance to acknowledging the role played by rape culture in sexual assault. In addition to downplaying the severity of sexual assault on campus and the victim blaming engaged in by the Carleton University administration following the attack in 2007, more recently, student leaders engaged in organizing frosh week activities were spotted wearing t-shirts proclaiming "f**k safe space...or me" (Ottawa Citizen, 2014: Sep 7). The, at best belittling and at worst

antagonistic, attitude towards the protection of women that underlies such a message highlights the persistence of the misogyny common to many university campuses and society at large. Similar instances of students' failure to acknowledge the impact of the cultural promotion of rape can be seen across Canada with students at both St. Mary's University in Halifax and the University of British Columbia raising headlines for popularizing frosh week songs explicitly promoting underage and non-consensual sex.

Many of these universities have established task forces with the goal of developing initiatives that result in transformative and healthy changes directed at combating systemic attitudes and lack of understanding related to sexual violence. In other words, not only are university administrations now accepting sexual violence is prevalent on campus, but they are opening up discussion on ways to tackle rape culture through altering policies and procedures in order to better aid survivors. These task forces were generally struck in response to highly publicized sexual assault and sexual harassment claims by students. The University of Ottawa created a Task Force on Respect and Equality in March of 2014 as a result of an incident involving the online sexual harassment of Student Federation President Anne-Marie Roy and due to allegations of serious sexual misconduct of the men's varsity hockey team (The University of Ottawa creates a task force on respect and equality, 2014). The University of British Columbia established their task force as a result of chants that took place during student-led FROSH events in the fall of 2013 (UBC president's task force on gender-based violence and Aboriginal stereotypes, 2014). A similar incident inspired the task force at St. Mary's University as well. A student at Lakehead University publicized her experience of re-victimization resulting from the university staff's insensitive responses to

her needs after being raped on campus (CBC News, 2013: Oct 22). Other universities which started task forces include York University and the University of Saskatchewan.

The above examples illustrate that sexual violence on campus is still an emerging issue. Institutions are beginning to respond to calls for action and acknowledge their role in preventing sexual violence on campus. As noted above, many of these responses are still in their infancy. It is still unclear what effect these responses will produce; however, recognition of this issue presents a large step forward in addressing this issue.

Contribution to Criminology

The topic of this research study is relevant to criminology, criminal justice, media studies, as well as feminist and gender studies. As a multidisciplinary field, criminology is advanced by bridging together all these domains. Through a practical application of Best's theory within a criminological context this thesis explores the ways in which crimes and harms are socially constructed and highly contested among various social groups. Oftentimes criminological research takes for granted how the category of crime is a social construction and that the ways in which we talk about it does not just reflect the social reality of crime, but also helps re-create it. In other words, the way the media frame a social problem produces and reproduces the way the issue is framed in society. It shapes how crime is perceived and the way we approach the subject on a mass scale. The way the media frame a crime also provides the language people use to talk about crime and criminal activity. This is shaped by the way in which claims-makers, especially those reproducing hegemonic discourses, frame the issue and the solutions to it. By analyzing the way in which the media construct this particular case we can better understand discourses around violence toward women and the proposed solutions that follow from these discourses.

Limitations of the Current Study and Suggestions for Future Research

As in any academic study, this research paper possesses a number of limitations. Among these limitations are my focus on media sources and specifically newsprint as a source of the claims made regarding this issue. I did not look at social media commentary, nor did I listen to radio or television news. Additionally, I was unable to reach other claims-makers who did not speak to the media because I only looked at those who did. As a result, I cannot know how people other than the publicized claims-makers were affected by this issue. I also cannot know the full extent of how the claims-makers were affected, other than through the claims they made available through the media. Lastly, another limitation is my somewhat narrow focus on only part of the claims-making process identified by Best. I did not look at the entire natural history process but only the claims-making process.

Using media to study representations in the past, while not without its advantages, comes with a unique set of limitations. Prominent among these is the restriction that the claims that are accessed are filtered through the media machine and thus reflect their editorial positions and decisions of individual reporters. While the claims of many different groups are presented, these are not necessarily the original claims of the claims-makers but secondary claims which may or may not represent the intended view of the original data source. Apart from a potential misrepresentation of the claims presented, it is also important to note that such a method does not allow the researcher to assess the full scope of the claims made with regard to a particular issue. The claims which dominate in the media tend to align with the dominant ideologies of the current era and it is possible that other less influential claims-makers were ignored by the media and thus were not reflected in this analysis. The highly influential role of the media as a means through which society becomes exposed to

claims and cultural knowledge is produced provides ample justification for selecting this source. However, readers must remain cognisant of the limitations of this approach and future scholars would do well to pursue analyses using alternate data sources to complement the results of this study.

A further limitation is that this study focused only on one segment of Best and Loseke's method for analyzing the claims-making. While the object of this study is exclusively the process of making claims, Best and Loseke further describe the means through which scholars can study the public response to these claims and the cultural and policy changes that occur following their acceptance or rejection in the public sphere. The merit of analyzing such topics is not in dispute. However, the objective of this study was not to analyze the policy implementations or the additional social problems work that emerged from the sexual assault centre, nor was it to evaluate the effects of its operation. Despite their exclusion from this analysis, these topics are highly relevant to the issue at hand and would make for fruitful line of future research.

Throughout this thesis I hope to have shown that the way the media and claims-makers construct a social problem necessarily affects the ways in which the solutions to the problem are determined. Social constructionist research can illustrate not only how competing discourses come to the forefront of public and political agendas, but also how they are plagued by hegemonic understandings of sex and gender that dominate public and political debates. For this reason, it is important to analyse the ways in which understandings of social problems develop. Social constructionist approaches can explore not only how discourses come to prevail, but also how all social problems and discourses are essentially contested. Understanding these contestations is important because they determine how social

problems and their solutions are defined and interpreted. Since the definitions and interpretations that arise from social contests produce implications that extend beyond the discursive and into the real world, any informed analysis of previous events or suggestions for future action will necessarily take into consideration the various contested discursive processes upon which they are based.

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APPENDIX A: Jane Doe and Carleton University

DS-CV-43617
Court File No. ~~08-CV-4617~~

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JANE DOE

Plaintiff

-and-

CARLETON UNIVERSITY

Defendant

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

CLAIM

1. The Plaintiff, Jane Doe claims:
 - a. General damages due to a fractured jaw and cheekbone in the amount of \$100,000.00;
 - b. General damages due to a dislocated shoulder in the amount of \$25,000.00;
 - c. General damages suffered as a consequence of a sexual assault in the amount of \$100,000.00;
 - d. General damages due to mental suffering and psychological harm in the amount of \$50,000.00;
 - e. Past and future out-of-pocket expenses in the amount of \$10,000.00;
 - f. Future income loss in the amount of \$250,000.00;
 - g. Costs of this action on a substantial indemnity basis plus GST;
 - h. Pre-judgment and post-judgment interest in accordance with the *Courts of Justice Act*, RSO 1990, c. C. 43; and
 - i. Such further and other relief as counsel may require and this Honourable Court may deem just.

Background

2. The plaintiff, Jane Doe ("Doe") is a young woman of muslim origin. She is twenty-five (25) years old and she resides in Ottawa, Ontario with her parents. She was formerly a student of the defendant, Carleton University.
3. The defendant Carleton University, ("Carleton") is a public university located in Ottawa, Ontario.
4. On August 31st, 2008, Doe was working late in the Analytical Chemistry Research lab in the Steacie Building at Carleton University.
5. At or around 11:30 pm, Doe's professor left the research lab and went home. Doe was alone.
6. At or around midnight, an unknown man came into the lab and attacked Doe.
7. The unknown man grabbed Doe by the left arm, threw her down and repeatedly smashed her face into the ground. Doe lost consciousness.
8. Doe woke up on her back. The unknown man was repeatedly slapping her face and then began choking her.
9. The assailant stripped Doe of her pants and underwear. He lifted her blouse and aggressively fondled, grabbed and squeezed her body. Doe's body was bruised for days following the assault.
10. The assailant yelled at Doe throughout the assault. His angry and incomprehensible screaming terrified her.
11. Following the assault, the assailant meticulously wiped Doe's body with a cloth, cleaning up the blood and fluids spread across her body. He then proceeded to

steal her jeans, underwear, one of her running shoes and her cell phone and then left her semi-naked and tied with her hands behind her back.

12. At the time of the assault, Doe was completing her [REDACTED] degree in Science.

Physical Injuries

13. As a result of the attack, Doe suffered a dislocated shoulder, three fractures in her jaw, a fractured cheekbone, a broken tooth, bruising around her neck and chest and a black eye.
14. Doe was also required to take anti-retroviral drugs for a period of days in order to guard against the possibility that she had contracted HIV/AIDS during the assault.
15. Doe has had to undergo surgery for her jaw. She was put on a liquid diet for a period of weeks and her face was swollen for nearly a year.
16. Doe faces the prospect of having to have surgery on her shoulder as it now dislocates on a regular basis. She has also received physiotherapy and orthodontic treatment.
17. A year following the assault, Doe continues to experience jaw stiffness, soreness and a clicking sound in her jaw.

Psychological Damages

18. The sexual assault has also had significant psychological and emotional consequences on Doe. In particular due to her religious and cultural background, Doe fears that public knowledge of the assault will cause both her and her family

to be ostracized from her community. Doe likewise fears that public knowledge of the fact that she was sexually assaulted will negatively impact her prospects of marriage and a family life.

19. Once a confident, secure young woman, Doe has developed a powerful phobia of walking alone at night to the point that if she must be out at night and she sees a man on the street Doe will immediately start to run to somewhere safe.
20. Doe has sought counselling to try to cope with the assault but she still experiences intense anxiety.
21. Following the assault, Doe feared returning to the research lab because she felt unable to face her peers.
22. Doe also withdrew from her circle of friends, most of which were science students, because she feared that they would be able to identify her as "Carleton's assault victim".

Economic Damages

23. Ultimately, Doe returned to the University in the late fall of 2007. She enrolled in two (2) courses which she could complete via internet because she feared returning to the premises of the assault.
24. When she felt strong enough to return to Carleton in the winter of 2008, she enrolled in an additional two (2) courses to complete her Honours degree in Science. However, she did not continue with her regular science courses, enrolling rather in a psychology and in a religion course.

25. Doe has not returned to the building where she was assaulted; she no longer feels comfortable working alone in a research lab. She feels that she is unable to continue in her chosen field.
26. Prior to the assault, Doe's plan had been to carry out an internship with an environmental company and then continue her thesis research by pursuing a Master's degree in Science.
27. As a consequence of the assault, Doe has abandoned these plans.
28. In light of her religious and cultural background, pursuing her thesis research and Master's degree at another university, in another city, is furthermore not an option. She must live at home until she marries. Even if it were an option, Doe's grades following the assault dropped and were not as competitive as they would otherwise have been, such that her opportunities to pursue another degree have been prejudiced.
29. Doe is currently working as a customer service representative at [REDACTED]
[REDACTED]
Doe currently earns an annual salary of \$27,000.00.
30. The plaintiff states that as a consequence of the defendant's negligence, she has suffered and will continue to suffer a loss of income.
31. In addition, the plaintiff has had to pay and will continue to have to pay for the foreseeable future, significant medical and other out-of-pocket expenses.

Negligence of the Defendant

32. On the night of the assault the plaintiff was working late in the Steacie Building. It was not unusual for students to work late in the science labs because of the limited amount of equipment available.
33. The plaintiff claims that the defendant was negligent in that it:
 - a. Failed to warn students and staff that it was not safe to work on campus after hours;
 - b. Failed to adequately train students and staff about proper safety and security protocol;
 - c. Failed to ensure that the laboratory buildings were equipped with security devices such as a swipe card and/or alarms in order to ensure that the premises were only accessible to approved students and faculty;
 - d. Failed to ensure that there was adequate security guards on campus on the night of the assault;
 - e. Failed to ensure that the security guards performed appropriate and regular security checks of the premises;
 - f. Failed to ensure that, on the night of the assault, the building was properly monitored by security guards conducting regular patrols;
 - g. Failed to ensure that the door and tunnel entrances were visibly monitored by security cameras in order to alert and dissuade potential wrongdoers;

- h. Knew or ought to have known that students frequently worked late in the Staacie building in order to obtain access to the limited lab equipment;
 - i. Knew or ought to have known that the buildings were not secure and that in fact it was common practice for doors to be unlocked.
34. The plaintiff states that the defendant had a duty to ensure that the plaintiff was reasonably safe while she was on the defendant's premises and that it failed to do so. The plaintiff pleads and relies on the *Occupier's Liability Act*, R.S.O. 1990 c.2
- The plaintiff proposes that this action be tried in Ottawa.

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

JANE DOE

Plaintiff

- and -

CARLETON UNIVERSITY

Defendant

STATEMENT OF DEFENCE

- 1) The Defendant, Carleton University (hereinafter referred to as "Carleton") admits the allegations contained in paragraphs 2, 3, 4 and 12 of the Statement of Claim.
- 2) Carleton denies the allegations contained in paragraphs 1, 5, 16, 23, 26, 27, 28, 30, 31, 32, 33, and 34 of the Statement of Claim.
- 3) Carleton has no knowledge of the allegation contained in paragraph 6 in that Carleton does not deny that the plaintiff was assaulted by an unknown man however the exact time of the assault is unknown.
- 4) Carleton has no knowledge of the allegations contained in paragraphs 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25 and 29 of the Statement of Claim.

- 5) Carleton states that at all material times it was acting in a prudent and cautious manner in accordance with all the rules, regulations, legislation, standards and contracts governing its practice and that at no material time did it breach any duty or want of care or contractual obligations as it pertains to the allegations contained in the Statement of Claim.
- 6) Carleton states that on the date of the loss, its personnel and employees conducted its operations in a prudent and cautious manner in full conformity with all its legal obligations to, *inter alia*, create a safe environment for its students and is therefore not in law responsible for the assault perpetrated by the stranger and any or the alleged or resulting losses sustained by the Plaintiff.
- 7) Carleton states that if the Plaintiff sustained the said injuries and/or damages that same were caused or contributed to by the Plaintiff through her own negligence the particulars of which are as follows:
 - a) she was not keeping a proper lookout for her own safety;
 - b) she failed to register herself, with the Safety Department, as a student working late in a specified laboratory when she knew she would be working into the evening that night;
 - c) when her supervising professor advised that he was leaving, she chose to remain on the premises when she knew that to do so would leave her alone in the laboratory;
 - d) When her supervising professor advised that he was leaving she chose not to lock the door of the laboratory in which she was working;
 - e) When her supervising professor advised that he was leaving she failed to take any steps to ensure her own safety as a student working late in the laboratory, although she knew or ought to have known of the steps she could take to notify the Safety Department of her intention to work later on her own;
 - f) She failed to take appropriate or any action for her own safety.

- 8) Carleton denies that the Plaintiff suffered the injuries and damages to the extent that they have been pleaded and puts the Plaintiff to the strict proof thereof.
- 9) Carleton states that the Plaintiff's damages are excessive, exaggerated, remote and unforeseeable and are due to a pre-existing medical condition or other incident or conditions for which this Defendant is not responsible in law and for which it has no knowledge. In the alternative Carleton states that the Plaintiff has failed to mitigate her damages by, inter alia, not undertaking recommended medical, therapeutic or other modalities of treatment and/or retraining.
- 10) Carleton denies that the Plaintiff incurred any out-of-pocket expenses and puts the Plaintiff to the strict proof thereof.
- 11) Carleton pleads and relies upon the provisions of the *Insurance Act*, R.S.O. 1990, c I.1 and pleads entitlement to all benefits of insurance to the extent of the payments made or available thereunder to the Plaintiff and Carleton prays that any judgment rendered herein against this Defendant be reduced to the extent of said payments received or which were available to the Plaintiff.
- 12) Carleton states that the Plaintiff failed to provide particulars of her alleged damages whether pecuniary or non-pecuniary and accordingly this is not an appropriate case for this Honourable Court to exercise its jurisdiction in awarding the Plaintiff any pre-judgment interest pursuant to the provisions of the Courts of Justice Act R.S.O 1990, c 43 as amended.
- 13) Carleton pleads and relies upon the provisions of the *Negligence Act*, R.S.O. 1990, c. N.1 as amended, the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2 as amended and the *Insurance Act*, R.S.O. 1990, c I.1.
- 14) Carleton submits that the Plaintiff's action should be dismissed as against it with costs.

APPENDIX B: The Claims-Makers

CARLETON OFFICIALS	CARLETON GROUP MEMBERS	EXPERTS	COMMUNITY MEMBERS
<p>-Campus Security (Boudreault; Burns)</p> <p>-(interim) Presidents (Hamdullahpur; Mahmoud; Runte)</p> <p>-University spokeswoman {L Moody)</p> <p>- Public Affairs (Manager Gorham)</p> <p>- (Director of) University communication</p> <p>-Equity Services (Director Cauperauld) (Johnson; Macaulay)</p> <p>-Carleton media relations (Co-ordinator)</p> <p>-Carleton director of student affairs</p> <p>-VP of Finance and Administration (Watt)</p>	<p>-Carleton Student Government (president Monkhouse)</p> <p>-Carleton Student Association (VP Heaton)</p> <p>-Graduate Student's Association (GSA) (president Phillip; VP Black; VP external affairs Vaage; VP of academics Whyte;</p> <p>-Foot Patrol</p> <p>-Womyn's Centre (Osman; Hunkin; MacLatchy; Price)</p> <p>-Carleton University Students Association (CUSA) (president Melanson; Halliwell)</p> <p>-Carleton University Academic Staff Association (CUASA)</p> <p>-Academic vice-president (Mahmoud)</p>	<p>-Police</p> <p>-Consultant (Mendelson)</p> <p>-Criminologists/ (Johnson; Davies; DeKeserdey)</p> <p>-Professors (Davies; Johnson; DeKeserdey; Guberman; Sheehy; Lindsay; Paciocco)</p> <p>-Lawyers (Paciocco [UofO law professor]; Lister; Mendelson; Merritt ; Orth; Ursel [labour and employment])</p> <p>-Law Professors (Sheehy; Paciocco)</p> <p>-Women's Legal Education and Action Fund (Director A. Johnson)</p> <p>-Dean of Law (at UofO) (Feldthusen)</p> <p>-Psychologist (Lindsay)</p> <p>-Univeristy of Ottawa director of Protection Services (Giroux)</p> <p>-University of Ottawa director of office of Risk Management (Histed)</p>	<p>-Parents</p> <p>-Individual Students</p> <p>-Ottawa Muslim Association</p> <p>-Calreton Disability Awareness Centre (CDAC)</p> <p>-Student Federation of the University of Ottawa</p> <p>-UofO Student Association</p> <p>-“Letters” @ Charlatan</p>

	<p>-Student Association (President + vice)</p> <p>-Professors (not contacted as experts) (Moore)</p>	<p>-Status of Women Officer (Guberman)</p> <p>-Sexual Assault Support Centre [of Ottawa] (Muonde; Msosa; Havart)</p> <p>-Ottawa Coalition to End Violence Against Women</p> <p>-managers of UBC SASC (Milewski) and UofA (Wruck)</p> <p>-Canadian Centre for Abuse Awareness (director of public safety Muise)</p>	
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ACTIVISTS	OTHERS	SURVIVOR
<p>-Coalition for Carleton Sexual Assault Support Centre (Lalonde; Claire; McCue; Blackburn)</p> <p>-Activists (Marc & Craig Kielburger; Jane Doe)</p>	<p>-Student Housing (Director Sterritt)</p> <p>-(BC)Women Against VAW (Tsepnopoulos-Elhaimer)</p> <p>-Jewish Women International of Canada (Goldstein)</p>	<p>-Jane Doe</p> <p>-SANE</p> <p>-Lawyer</p>

APPENDIX C: Coding Charts

Claims-Maker	Group of CM	Date	Grounds	Themes	Newspaper Type
expert - SPW	SPW	2007-11-03	stranger attacks reflect only fragment of what happens on today's campuses / "myth that it's not rape unless a guy in a ski mask grabs you in a dark alley" "truth is 84% of women are assaulted by someone they know and trust, maybe someone they've dated for years" - Goldstein (JWIofC) (Offman, 2007; Nov 3: A1)	perpetrator - known	mainstream
CGM - CGSA president	CGM	2009-01-01	"embarrassing and deplorable to see the university continue to blame the victim and reinforce the outdated and harmful stereotype that SA is the fault of the woman" Ms Phillip (Fines, 2009: 89)	statement of defence : uni blaming victim =	mainstream
community]] Dalhousie residence spokesperson Crosby	community	2007-09-21	nature leads to people wanting to hold doors open for people, but students need to be aware this might not be the best thing to do (Scroggins, 2007; Sep 21: A1)/ example used @York where two men entered and sexually assaulted female students	close doors / stranger danger	mainstream
CGM- Womyn's Centre- Price	CGM	2008-11-13	"a lot of violence happens behind closed doors" adding the dropping stats don't represent reality "are usually happens by someone you know" (Jarratt, 2008; 38-14; Nov 13)	parameters of SA - perpetrator	The Charlatan
activist student - Lalonde	activist	2008-10-23	"the creation of a new SA co-ordinator which isn't actually the creation of a new position but more the renaming of a current position" "this demonstrates Carleton's failure in recognizing that assault on campus, and SA in particular, is systemic, complex, and quite frankly, rampant on campus" (Lalonde, 2008; 38-11; Oct 23)	parameters of SA - systemic	The Charlatan

activist - Lalonde	activist	2011-11-28	student victims of SA don't feel comfortable going to police or university officials (Kielburgr & Kielburgr, 2011; Nov 28: A19)	official help is not enough / decreases reporting rates / need SAC	The Charlatan
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Claims-Maker	Group of CM	Date	Warrants	Themes	Newspaper Type
SPW - SACofO co-ordinator Muonde	SPW	2007-09-06	three recent sexual attacks illustrate the danger women face and the fact that women live in real fear of SA (Muonde, 2007; Sep 6: C4)	violation of values - safety / appeal to logic and emotion	mainstream
media - report: 2006 Stats Can Report	media	2007-11-04	"lost productivity, experience multiple assaults, fear for their lives, and experience negative emotional consequences" (Curran, 2007; Nov 4: A4) // official stats	appeal to logic and appeal to emotion	mainstream
activist-Lalonde	activist	2011-11-28	"how do you sleep at night, hearing students talk about trying to take their own life because there is no one there to support them?" - Lalonde (Kielburgr & Kielburgr, 2011; Nov 28: A19)	emotive language	The Charlatan
community student - anonymous 2	community	2011-12-07	we need a SAC on campus as a space for "survivors to find ourselves again" and "resist rape culture and educate others of the reality of violence on our campuses" (Letter: Assault counselling biased to mainstream, 2011: Dec 7)	SAC - prevention [fight rape culture]	The Charlatan
official - security	official	2007-01-01	"I just went through a series of comments from students on campus, all female [...] they're concerned, as they should be" "but they still feel it's a safe campus" - Boudreault (Harkins, 2007: How safe is Carleton?)	safety - gendered worry	The Charlatan
Coalition	activist	2011-11-09	a triggering environment is not conducive to productive academic performance(Martin, 2011; Nov 9- Help the Coalition help the students)	harm - environment	The Charlatan

Jane Doe	activist - Jane Doe	2007-10-24	be mindful of safety warnings, particularly those limiting women movement and censor behaviour (Tam, 2007; Oct 24: B1)	beware of warnings / gendered	The Charlatan
community - student	community	2007-02-12	perpetrator looked like he could be anybody (Lin, 2007: Oct 25: C1)	perpetrator / moral shock	The Charlatan
official [intern president] Mahmoud	official	2007-09-07	last thing he wants is for the campus to be enveloped in a climate of fear (Egan, 2007; Sep 7: F1)	fear	The Charlatan

Claims-Maker	Group of CM	Date	Conclusions	Themes	Newspaper Type
community - student	community	2007-10-25	students always had other suggestions such as updating safety infrastructure such as emergency lights and phones, clarifying educational policies on how to deal with crisis, and a swipe card system = report (Armstrong, 2007; 37-11; Oct 25)	safety through security	The Charlatan
activists - public	activist	2011-11-28	universities need SAC as a space for students to go / should support student run SA services which complement and fill the gaps in services offered by administration (Kielburgr & Kielburgr, 2011; Nov 28: A19)	need SAC	The Charlatan
coalition	activist	2012-01-12	"to expect survivors to come and seek support fro myth same people who they've seen in the media saying that SA is not a problem here and doesn't' happen is to just completely misunderstand the issue of SA itself" Msoa (Sing, 2012: Jan 12-BOG forum tackles everything from SA to office space)	SAC - Peer run [significance]	The Charlatan
CGM - CGM CUSA: Melanson	CGM	2007-10-17	it's about a holistic approach to safety ; how do we interact with each other on a regular basis that perpetuates a lack of safety? (Egan, 2007; Oct 17: E1)	holistic , not just security	mainstream
community - student	community	2007-10-25	"nobody other than my mom asked me how (the Sept. 1 assault) made me feel. If we had a SAC, that's a place where	need SAC	mainstream

			people can go and have a dialogue" (Lin, 2007: Oct 25: C1)		
crime expert - Johnson	expert	2007-09-15	swipe card security system limits public access and could have prevented the attack by "restrict access to the building and reduce the risk of a sexual assault by a stranger" (Tam, 2007; Sep 15, E9)	security	mainstream
official - runte	official	2011-11-14	"All of the things that you can do, if you go to any university and say what are the safety measures, well we've done them all" -Runte (Singh, 2011: Nov 14; Coalition rallies for SASC)	safety - security [done everything]	The Charlatan
official - housing	official	2007-10-11	students should still act responsibly/ "have to look out for their own safety and security" - Sterritt (Domanska, 2007; Vol 37-19; Oct 11)	responsibility @ individual level	The Charlatan

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