Chapter 1
Sexual Assault and Students with Disabilities: How to Respond

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ABSTRACT

This chapter reviews the special vulnerabilities of students with disabilities to sexual assault. The relationship between the characteristics of specific disability categories and the delivery system that is special education is explored. Historical and philosophical trends such as institutionalization, forced sterilization, and the Eugenics Movement that created the environment for sexual abuse of students with disabilities are discussed. The authors provide a case study about a recent sexual assault and a discussion of the Willowbrook institution where well documented sexual abuse of people with disabilities took place. Age and disability specific sex education, teacher training, and ongoing monitoring are recommended to improve the safety of some of our most vulnerable students.

INTRODUCTION

Like other chapters in this book, the authors wish this one was not necessary. However, we believe teachers, administrators, and parents must closely consider sexual assault of students with disabilities (SWD) in educational, community, and home settings. The immediate and long-term physical and emotional toll paid by our students warrants this scrutiny. Students with disabilities (SWD) were found to be 3.14 times more likely to be victims of sexual assault than students without disabilities (Sullivan & Knutson, 2000). Getting an accurate picture of the risk to people with disabilities is difficult due to the often-close
relationship of the victimizer to victim and the resulting incomplete reporting by victims. It is safe to say that children with disabilities are at an increased risk of sexual assault.

Sexual assault is defined as a crime of power and control and involves sexual contact or behavior without explicit consent by the victim. Sexual assault can take the form of rape, attempted rape, forced sexual acts such as oral sex, fondling or unwanted touching (Rape, Abuse, & Incest National Network, 2009). Victims of sexual assault often know the victimizer. For people with certain types of disabilities the question of coercion of consent is particularly important.

This chapter explores the unique vulnerabilities to sexual assault of SWD as they interact with the special education system and in other settings. The legal protections provided by Title IX are shown to be helpful but not adequate for the protection of people with disabilities (PWD). Current trends in legislation are reviewed. This chapter discusses prevention of harassment, the importance of training school personnel, and mandatory reporting. This chapter describes how normalization, institutionalization, and historical thinking about PWD contributed to sexual assault in the past and present. This chapter also covers the role of blame and guilt in the aftermath of a sexual assault and includes a case study to extend the concepts.

ALL TOO COMMON

Statistical reports released by the U.S Department of Justice (Harrell, 2014) found 32,400 to 82,100 cases of rape and/or sexual assault of persons with disabilities were reported each year from 2008-2012. A closer look at these statistics shows that the number of reports more than doubled from 2010 to 2011 and the numbers continued to exceed 80,000 reports starting in 2012 (Harrell, 2014). The 2012 National Survey on Assault of People with Disabilities found 90% of individuals with disabilities who reported some form of assault relayed the assault occurred on multiple occasions. Furthermore, 57% of these individuals who reported assault also reported the assault occurred on more than 20 occasions (Baladerian, Coleman, & Stream, 2013).

In January 2014, The White House Council on Women and Girls recognized the increased risk of becoming a victim of sexual assault for individuals with disabilities. This report cites sources that indicate individuals with disabilities are three times more likely to experience sexual assault and women with severe disabilities are four times more likely to be sexually assaulted, when compared to their non-disabled peers (White House Council on Women and Girls (2014). Krohn (2014) recognized the variability in the increased risk across disability groups, age, and gender of individuals with disabilities. Studies have overwhelmingly found women and girls with disabilities have some of the highest percentages of sexual assault victimization, even going as far as stating that “it is believed that the majority of disabled women and girls experience sexual assault at some point in their lives” (p. 4). This strong statement is based on statistical support found in reports made by the U.S. Department of Justice: 68% to 83% of women, 39% to 83% of girls, and 16% to 32% of boys with developmental disabilities experience sexual assault in their lifetime (Krohn, 2014).

Others report the numbers of sexual assaults against PWD are underreported. Some studies report only those cases that have been reported to an authority; many cases likely go unreported (Wissink, van Vugt, Moonen, Stams, & Hendricks, 2015). The 2012 National Survey additionally found 41.6% of individuals who took the survey reported sexual assault, while 41% of these victims did not report these incidences to authorities. Of those who did not report, 58% relayed a belief that nothing would happen