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# The Intersection of Disability, Gender, and Sexual Violence Perceptions in Juror Decision-Making

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# Walden University

College of Psychology and Community Services

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Melissa West

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Walden University  
2024

Abstract

The Intersection of Disability, Gender, and Sexual Violence Perceptions

in Juror Decision-Making

by

Melissa West

MS, Walden University, 2016

BS, SUNY Empire State College, 2012

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Forensic Psychology

Walden University

May 2024

## Abstract

Sexual violence is a societal epidemic and disproportionately affects disabled women. Disabled women belong to an intersectional identity that also experiences more negative attitudes, stigma, stereotypes, and discrimination than nondisabled individuals. In sexual assault cases, juror biases may translate into more detrimental attitudes toward disabled victims. The purpose of this study was to examine how these attitudes may impact outcomes in sexual assault trials when comparing disabled and nondisabled female victims. This study was conducted through the lens of just-world theory and feminist disability theory using a quantitative, experimental jury simulation design. The 304 participants in an online survey designed to simulate the *voir dire* and trial process. Participants reviewed a fictional vignette depicting a sexual assault case at trial, with half the participants receiving a vignette involving a disabled victim and the other half receiving a vignette involving a nondisabled victim. After reviewing the vignette, participants were given juror instructions, completed attitudinal scales to measure relevant schemas, and were then asked to determine a verdict for the case. Analysis included binomial logistic regression, Hotelling's *T*-squared analysis, and descriptive statistics. Results from this study revealed that disability status may account for differences in juror judgments in sexual violence cases, victim disability status may not account for differences in juror preconceptions, and these perceptions may be predictors of juror judgments. The results of this study have the potential to positively impact social change by contributing to knowledge, educational programs, and policies in the justice system about juror biases and their possible effects.

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## Dedication

This research is dedicated to survivors of sexual violence. Thank you for raising your voices.

“You’re not a victim for sharing your story. You are a survivor setting the world on fire with your truth. And you never know who needs your light, your warmth, and raging courage” – Alex Elle

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## Chapter 1: Introduction to the Study

### **Introduction**

The topic of this study was the effect of juror perceptions on criminal judgments related to rape, gender, and disability in sexual violence cases, specifically when the victim is a disabled woman. This study addressed how preconceptions such as rape myth acceptance, just-world beliefs, gender stereotypes, and negative disability attitudes may influence verdicts in such cases. This study needed to be conducted because there was previously a gap in the literature regarding juror decision-making and how this affects trial outcomes in sexual violence cases where the victim is both female and disabled. Findings from such a study could have social change implications for both the law and forensic psychology, specifically in the areas of juror selection, education, and instructions for criminal sexual violence cases.

This chapter will provide background for the study, including a summary of the research literature and the current gap in knowledge related to the scope of the study topic. In presenting the problem statement, I will discuss the research problem, followed by an exploration of the purpose of the study. There will be an overview of the research questions and hypotheses of the study, as well as a synopsis of the theoretical framework and nature of the study. Important definitions and assumptions will also be addressed, followed by important information related to the scope and delimitations of the study. Potential limitations and significance of the study will also be explored, with a subsequent summary of the chapter.

## **Background**

Women with disabilities are at higher risk for sexual violence when compared to nondisabled women (Basile et al., 2016). According to Basile et al. (2016), out of 6.64 million women who were victims of sexual violence in 2015, 29% were disabled. This study also found that roughly 1.8% of disabled women had reported recent sexual assault compared to 0.9% of nondisabled women. Results also indicated that women with a long-term disability are at particularly high risk for sexual violence (Basile et al., 2016). In addition to risk, disabled individuals may experience victim-blaming. According to Hughes et al. (2020), victim-blaming attitudes are comparable between disabled and nondisabled survivors of sexual violence, with the groups being seen as equally to blame. Furthermore, disability status did not affect opinions regarding the perpetrator (Hughes et al., 2020). These results indicate that disability status does not necessarily protect against victim-blaming attitudes such as rape myth acceptance, just-world beliefs, and perceptions of vulnerability. This could be, in part, explained by general attitudes regarding disability.

Lee and Fenge (2016) found that society sees disabled people as being vulnerable or at-risk “others.” This perpetuates harmful negative stereotypes about people with disabilities, particularly the idea that disabled people are not sexual beings but rather asexual, deviant, or having different sexual wants and needs than people without disabilities (Lee & Fenge, 2016). Overall, it was found that members of the disabled community experience high levels of discrimination and barriers related to their sexuality due to social constructs and inequality inherent in ableism (Lee & Fenge, 2016). More

concerningly, disabled women were found to experience heightened levels of discrimination because of the compounding factors of gender and disability (Lee & Fenge, 2016; Magnabosco & de Souza, 2019). This intersectionality of being female and disabled encompasses many barriers, prejudice, and discrimination that are unique to this sector of the population (Magnabosco & de Souza, 2019). In consideration of these findings, it is important to explore how these factors may affect jurors making judgments in sexual violence cases.

Sommer et al. (2016) found that mock juror perceptions about rape and attributions of blame may be influenced by personal, psychological, and situational factors contextual to case details. Results of this study suggested that certain rape myths may increase victim-blaming attitudes of jurors, especially in cases involving revictimization (Sommer et al., 2016). Additionally, it was found that life-history factors may influence victim-blaming in observers, with individuals who tend to engage in impulsive and present-oriented decision-making and behavior exhibiting increased victim-blaming, resulting in higher levels of rape myth acceptance (Sommer et al., 2016).

A study by Stuart et al. (2019) similarly examined the influence of sexual assault schemas on juror blame attributions in rape cases, including rape myths, offense stereotypes, gender and victim stereotypes, and defendant and perpetrator stereotypes. It indicated that more positive victim perception was found when the offense and victim were described in more stereotypical terms compared to those described in counter-stereotypical terms (Stuart et al., 2019). This in turn affected juror perception of the perpetrator, with more negative perceptions placed on perpetrators in stereotypical cases

(Stuart et al., 2019). These results indicated that jurors may make judgments in rape cases based on the stereotypical victim rather than those who are counter-stereotypical, with rape myth acceptance guiding opinions about case quality and attributions of victim blame (Stuart et al., 2019). The findings from these studies are important because they reveal possible patterns in decision-making and attributions of blame. They are also important because they indicate that victims who may be outside the stereotypical norm, such as disabled women, may be perceived and judged differently as victims of sexual violence, which in turn may affect juror judgment.

There is agreement in the literature that in sexual violence cases, victim characteristics, particularly those that are perceived as nonstereotypical, may influence juror decision-making and attributions of blame (Hughes et al., 2020; Lerner, 1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019). Although there is a significant body of research that addresses the potential effects of preconceptions on juror judgments related to sexual assault, there is a need for research that examines how specific social norms, constructs, schemas, intolerant beliefs, and victim categorization affect judgments of perpetrator guilt in cases of sexual violence, with particular focus on women with disabilities (Anderson & Bissell, 2011; Aosved & Long, 2006). To fill the gap in the existing literature, this study aimed to explore the effect of victim disability and juror preconceptions on case judgments by investigating gender norms, rape myth acceptance, beliefs in a just world, and disability attitudes as they apply to disabled female victims of sexual violence.

No prior study had focused on the effect of juror preconceptions on sexual violence case judgments through the lens of gender and disability. The importance of such a study is demonstrated by high rates of sexual violence and discrimination, but also because research indicates that people with disabilities are more likely to report incidents of sexual violence to the authorities (Basile et al., 2016). Through this study, I aimed to fill the gap in the current literature by gaining better insight into what relationship, if any, exists between preconceptions held by jurors in such trials and case judgments.

### **Problem Statement**

According to a special report published by the BJS (as cited in Planty et al., 2013), in 2010 there were 270,000 cases of rape or sexual assault of women in the United States. Sexual violence is a societal epidemic, disproportionately affecting women and more specifically, women with disabilities. Women with disabilities are at an increased risk for sexual violence and experience higher rates of victimization (Basile et al., 2016; Casteel et al., 2008; Dammeyer & Chapman, 2018). The rate of victimization for women with disabilities is 3 times that of women without disabilities, with 32.8 out of 1,000 disabled women experiencing sexual violence compared to 11.4 out of 1,000 for nondisabled women (BJS, 2017; Harrell, 2017). These numbers are believed to underestimate the true prevalence of sexual violence in the United States (Tjaden & Thoennes, 2000).

This increased vulnerability to sexual violence victimization for women with disabilities is compounded by heightened degrees of negative attitudes, stigma, stereotypes, and discrimination due to the intersection of gender and disability (Basile et

al., 2016; Chenoweth, 1996; Kafer, 2013; Lee & Fenge, 2016; Magnabosco & de Souza, 2019). Such preconceptions may also translate to other detrimental attitudes such as rape myth acceptance and beliefs in a just world in the context of sexual assault trials involving disabled female victims, specifically in the decision-making behaviors and ultimate judgments of jurors (Hughes et al., 2020; Lerner, 1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019).

### **Purpose of the Study**

The purpose of this study was to examine how juror preconceptions may impact verdicts in cases involving sexual assault or rape when comparing disabled female victims to those without disabilities. A quantitative, experimental mock jury design was used to determine the extent to which rape myth acceptance, beliefs in a just world, gender stereotypes, and disability attitudes are related to juror judgments of guilt or innocence against the perpetrator in sexual violence cases involving disabled female complainants. Cases involving disabled female complainants involve characteristics that may go against beliefs in a just world and stereotypes of what jurors believe constitutes a “real” rape, which could contribute to victim-blaming behaviors and affect case judgments (Hughes et al., 2020; Lerner, 1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019). Given that women with disabilities represent 19.8% of the total population, it is of vital importance that this phenomenon be thoroughly examined, including the factors that influence public perceptions and attributions of blame regarding disabled female survivors of sexual violence (Basile et al., 2016; Brault, 2012; U.S. Census Bureau, 2010).

## Research Questions and Hypotheses

The research questions and hypotheses of this study were as follows:

RQ1 – To what extent does victim disability (nominal independent variable) account for differences in juror judgments (guilt or innocence of the perpetrator; nominal dependent variable) in sexual violence cases?

H<sub>0</sub>1: Victim disability status does not account for differences in juror judgments.

H<sub>a</sub>1: Victim disability status does account for differences in juror judgments.

RQ2 – To what extent does victim disability (nominal independent variable) account for differences in juror rape myth acceptance (continuous dependent variable), beliefs in a just world (continuous dependent variable), gender stereotypes (continuous dependent variable), and disability attitudes (continuous dependent variable) in sexual violence cases?

H<sub>0</sub>2: Victim disability status does not account for differences in juror acceptance of rape myth acceptance, beliefs in a just world, and/or gender stereotypes.

H<sub>a</sub>2: Victim disability status does account for differences in juror acceptance of rape myth acceptance, beliefs in a just world, and/or gender stereotypes.

RQ3 – For participants given the vignette depicting disability, to what extent do rape myths (continuous independent variable), just-world beliefs (continuous independent variable), gender stereotypes (continuous independent variable), and disability attitudes (continuous independent variable) relate to juror judgments (guilt or innocence of the perpetrator; nominal dependent variable) in sexual violence cases involving disabled female complainants?

H<sub>0</sub>3: The model is not a predictor of juror judgments.

H<sub>a</sub>3: The model is a predictor of juror judgments.

### **Theoretical Framework for the Study**

A combination of just-world theory and feminist disability theory were used to guide this research. These two theories intersect in that, women, and those with disabilities, are seen by society as “other,” being devalued and regarded as deserving less than those higher in the social hierarchy. Just-world theory asserts that people need to believe that the world is a just and predictable place, where people get what they deserve based on their behavior and attributes (Lerner, 1980). The main tenet of this theory is that “good” people will have good outcomes and “bad” people will have bad outcomes (Lerner, 1980). These assumptions along with deservingness are socially constructed based on in-group and out-group membership (Lerner, 1980). Individuals who do not meet society’s standards and expectations are placed in the out-group and are seen as being preconditioned to a negative fate (Lerner, 1980). There are many groups of people who are negatively stereotyped and considered less worthy due to these structures, including women and those with disabilities (Lerner, 1980). Through the lens of a just world, being “other” equates to perpetual suffering and poor outcomes (Lerner, 1980). By placing the blame on the victim, people within the in-group can distance themselves from similar experiences while maintaining the idea that the world is a just place (Lerner, 1980).

Disabled women are often viewed as abnormal or “other” compared to able-bodied individuals (Basile et al., 2016; Chenoweth, 1996; Hughes et al., 2020; Lerner,

1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019). Being part of an out-group means that disabled women may be seen as being vulnerable to suffering as a consequence of being both female and disabled (Banks & Kaschak, 2003; Gerschick, 2000; Lerner, 1980). According to Banks and Kaschak (2003), the intersectionality of this unique identity may amplify the effects of discrimination. In the context of sexual violence, this could lead to outsider victim-blaming and negating the seriousness or realness of disabled women's victimhood (Basile et al., 2016; Chenoweth, 1996; Hughes et al., 2020; Lerner, 1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019). Proponents of feminist disability theory challenge social constructs about femininity and disability, arguing that the stereotypes and negative attitudes about disabled women violate basic human rights and cause widespread, deep-rooted biases (Banks & Kaschak, 2003). These perceptions and misconceptions may be so ingrained in society that they have the power to influence the decision-making of those who serve in positions of judgment (Charlesworth & Banaji, 2019; Cossins, 2019; Hunt, Swartz, Rohleder, et al., 2018; Leverick, 2020; McKimmie et al., 2020).

### **Nature of the Study**

As previously noted, this study used a quantitative, experimental approach to understand the effects of juror preconceptions on judgments in sexual violence cases involving disabled female complainants, which was the focus of this study. A vignette and survey method were used to measure rape myth acceptance, beliefs in a just world, gender stereotypes, and disability attitudes, as well as the extent to which victim

disability accounts for differences in these preconceptions and juror judgments. Quantitative research is consistent with examining the extent to which victim characteristics affect juror attributions of blame in sexual violence cases because the goal of such research is to make causal inferences between constructs (Gerbasí et al., 1977; Wiener et al., 2011). In mock jury studies, the use of this type of quantitative methodology allows for group comparison and statistical techniques to analyze relationships between variables in trial research, which is aligned with the purpose of this study (Gerbasí et al., 1977; Wiener et al., 2011).

For this mock jury study, participants were selected using a nonprobabilistic, convenience sampling method from the general adult (ages 18 and older) U.S. population. Because this was an experimental design, participants were randomly assigned to conditions based on victim disability status as described in a fictional vignette. They were asked to review the vignette and written juror instructions, as well as complete an online survey to measure all study variables. Several instruments were included in the survey to gather data, including the Illinois Rape Myth Acceptance Short-Form (IRMA-SF) Scale, Just-World Belief Scale, Sex Role Stereotypes Scale, and Multidimensional Attitudes Scale (MAS) Toward Persons With Disabilities (Burt, 1980b; Findler et al., 2007a; Lonsway, 1999; Vonderhaar & Carmody, 2015a). After all data were collected, they were analyzed using IBM SPSS Statistics v.27 for Mac. Statistical analyses of the data included binomial logistic regression and Hotelling's *T*-squared. Descriptive statistics were also presented to describe, display, and summarize the data and findings.

## Definitions

Table 1 identifies definitions for the variables included in this study.

**Table 1**

*Definition of Variables*

Variable	Definition
Attributions of blame	The process of assigning responsibility or blame to an individual
Defendant	The individual on trial for allegedly committing the crime in question
Disabled or disability	Having a physical or mental impairment that substantially limits one or more major life activities (Americans with Disabilities Act, 1990)
Disability attitudes	Attitudes held about people with disabilities
Gender stereotypes	Stereotypes held about a person and their role based on their biological gender
Juror	An individual serving on a jury
Juror judgments	Criminal judgments of guilt or innocence against the defendant
Jury simulation study or mock jury study	A study that involves simulating the jury and/or trial experience
Just-world beliefs	Belief system wherein the world is considered a fair and orderly place where people get what they deserve (i.e., bad things happen to bad people, and good things happen to good people; Lerner, 1980)
Perpetrator	An individual who allegedly committed a crime
Preconceptions	Preconceived ideas, beliefs, biases, or prejudice
Rape myth acceptance	Acceptance of prejudicial, stereotyped, and false beliefs about rape, rape victims, and rapists that create a hostile climate towards victims of rape (Burt, 1980a)
Revictimization	The same individual being made the victim of more than one offense or harmful experience within a specific period of time
Sexual violence	Crimes that force or coerce others into unwanted sexual activity without consent, including sexual assault, rape, and sexual abuse
Victim-blaming	The act of holding the victim of a crime responsible for the harm that befell them
Victim disability	Presence of a disability (visible or invisible)
Victimization	The act of making someone into a victim

### **Assumptions**

This study included certain assumptions that are believed but cannot be demonstrated to be true. First, this study involved the assumption that the general population holds some form of preconception (whether positive, negative, or neutral) regarding sexual violence, disability, and gender and gender roles. These preconceptions may be conscious or unconscious, as well as externalized or internalized. Second, it was assumed that individuals also hold varying beliefs and worldviews regarding ethics, morality, and humanity. Third, it was assumed that these preconceptions and beliefs may voluntarily or involuntarily influence behavior and decision-making. Lastly, the major assumption was that participants had access to their preconceptions and beliefs and would answer questions about them truthfully. For this study, it was necessary to make these assumptions as a baseline for understanding the various possible mechanisms of decision-making behavior by jurors.

Additionally, this study involved assumptions regarding the methodology and nature of the study. As this jury simulation used a quantitative experimental design, it was assumed that the study would involve group comparison and analysis of variables between groups to determine relationships and differences (Bornstein, 1999; Gerbasi et al., 1977; Wiener et al., 2011). It was also assumed that participants in the study were representative of the typical jury pool in the United States, including individuals of varying ages and demographics, as well as those who met jury eligibility criteria (i.e., citizenship, reading comprehension, etc.). Finally, the sampling process involved

nonprobabilistic, convenience sampling, which was presumed to mirror that of the typical juror selection process in the United States (U.S. Courts, n.d.-b).

### **Scope and Delimitations**

This study specifically addressed preconceptions that may influence juror decision-making in sexual violence cases, including rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. This focus was chosen because the body of existing literature regarding this research problem showed a clear pattern of these factors being problematic for victims of sexual assault and disabled women, but there was little research that connected these areas despite the need for additional research.

Theories related to the area of study that were considered but were not investigated include general feminist theory, behaviorism, and cognitive theory. Although these theories may be relevant to the research problem, feminist disability theory and just-world theory were ultimately determined to be a better fit for this study and exploration of the research questions. This theoretical framework was selected because the combination of these theories best captured the historical experiences and challenges of disabled women while providing context regarding continued societal oppression and discrimination due to preconceptions regarding femininity, disability, and victimization.

The population included in this study was U.S. adults. Individuals under the age of 18 were excluded from this study because they would not be eligible for jury duty and therefore could not serve as jurors. This jury simulation study was not limited by a sole student sample, so it had a greater potential to be generalizable than other studies using similar methodology (Wiener et al., 2011). In that I selected a sample from the general

adult population of the United States, results of this study may be more comparable to the typical jury pool. Additionally, the conditions of this study were meant to be representative of the typical juror experience, despite the lack of deliberation, so it is hoped that the findings will be translatable to real-world scenarios (Diamond, 1997; Kalven & Zeisel, 1971; Wiener et al., 2011).

### **Limitations**

Deliberation is a key process in the judicial system, as it allows jurors to discuss amongst each other the facts of the case, opinions about the evidence, and the rationale for potential judgments (Bomstein et al., 2017; Pack, 2019; Sommer et al., 2016). Some researchers have questioned the reliability of mock jury studies that exclude deliberation due to the lack of opportunity for impactful group dialogue, analysis, and consensus, as well as the potential for variation from actual trials (Bomstein et al., 2017; Pack, 2019; Sommer et al., 2016). Due to the quantitative nature and vignette methodology of this research, results may be able to explain the extent to which juror preconceptions affect judgments in sexual violence cases with disabled female victims, but not the individual meaning behind these effects. This limitation may be in part due to the lack of deliberation and exclusion of a unanimous verdict in this study, which deviates from what typically occurs in a real-life trial (Bomstein et al., 2017; Pack, 2019; Sommer et al., 2016).

Some potential challenges or barriers to this study involved recruitment of participants, data collection, and the sensitive nature of the topic. Collecting primary data involves recruitment of an appropriate sample size that is also diverse, which can be

difficult and time-consuming (Bunge et al., 2018). Because this study used a convenience sample from the general U.S. population, it could have been challenging to recruit and retain enough participants without the use of the Walden Participant Pool or a paid recruitment service (Bunge et al., 2018). Additionally, the use of vignettes and instruments for data collection could have necessitated a subscription to appropriate survey software, which would have added to the cost of this study.

A final challenge of this study was the topic itself. This study involved the subjects of disability and sexual violence, both of which could have been triggering topics for participants. There was also potential for issues to arise with reliability of results due to the inclusion of self-reporting measures for participant rape myth acceptance, beliefs in a just world, and negative attitudes toward women and people with disabilities (Bigayer, 2014). Participants may have felt compelled to provide responses that would be considered socially acceptable, skewing the data and affecting validity (Bigayer, 2014).

### **Significance**

This research has potentially important implications for social change in both the field of psychology and the law because outcomes of such cases may have far-reaching effects beyond the justice system, including the revictimization of sexual violence survivors (Cowan, 2019; Madigan & Gamble, 1989). The adversarial nature of the legal system, legal structure for trying cases of sexual violence, and processes of a jury trial often result in subsequent violations and revictimization of sexual assault complainants (Madigan & Gamble, 1989). Possible findings from this study could help combat this

issue and promote positive social change by contributing to the development of policies, procedures, techniques, and educational programs in the context of the judicial system. Such efforts could better inform participants in the legal system about the possible effects of juror preconceptions in sexual violence cases where the complainant is both female and disabled; mediate the effects of such preconceptions; and create measures to overcome the obstacles these issues pose to the carriage of justice.

### **Summary**

In summary, disabled women are at higher risk for sexual violence than nondisabled individuals while also being situated in an intersectionality that makes them more likely to experience barriers, prejudice, and discrimination. Such bias is not limited to the daily experience of disabled women but may also be present in the legal arena. In sexual violence cases, jurors may hold preconceptions about rape, gender, and disability that affect their decision-making and case judgments. As such, it is important that these preconceptions be studied to better understand how they affect verdicts in cases where the victim is a disabled woman. In this chapter, I have provided an overview of the study. Research was presented that indicates the heightened risk for sexual violence that disabled women face, as well as the potential for stereotypes, attitudes, and discrimination to affect case outcomes in sexual assault trials. It is hoped that by examining this topic through the lens of feminist disability theory and just-world theory, this quantitative jury simulation study will fill the gap in current knowledge and literature about this research problem. In Chapter 2, I present the literature review to provide further insight into the topic and existing literature.

## Chapter 2: Literature Review

### Introduction

Disabled women belong to an intersectional identity that puts them at higher risk for sexual violence and various forms of prejudice, discrimination, and oppression (Basile et al., 2016; BJS, 2017; Casteel et al., 2008; Dammeyer & Chapman, 2018; Harrell, 2017). These negative attitudes and other schemas may work to influence the perception of disabled victims in the criminal justice system (Hughes et al., 2020; Lerner, 1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019). The purpose of this study was to explore how juror preconceptions related to disability, gender, rape myths, and just-world beliefs may influence judgments in sexual violence cases where the victim is a disabled woman.

The current literature is demonstrative of the impact preconceptions can have on lay-person judgments and cognitive processes. There is little argument in the literature that disabled women are uniquely subjected to sexual violence, and that their risk for such violations is heightened compared to other demographics (Basile et al., 2016; Dammeyer & Chapman, 2018; Harrell, 2021). There is also a significant body of research that shows the negative impact that disability can have on attitudes and perceptions, including how laypeople perceive disabled women's personhood, sexual agency, femininity, and vulnerability (Barbareschi et al., 2021; Hunt, Swartz, Carew, et al., 2018; Hunt, Swartz, Rohleder, et al., 2018; Olkin et al., 2019; Rohleder et al., 2018; Rohmer & Louvet, 2018; Van der Heijden et al., 2019b). The current literature also indicates that acceptance of gender roles associated with patriarchal ideologies situates women in a

position of submissiveness and inferiority, which can lead to sexism, objectification, and dehumanization (Ajayi et al., 2022; Bates et al., 2019; Burt, 1980a; Ellemers, 2018; Morris et al., 2018). Gender ideologies dictate what is appropriately feminine and perpetuate false narratives about what it means to be a woman (Ellemers, 2018; Hentschel et al., 2019; Johnson & Johnson, 2021; Mulder et al., 2020; Pickens & Braun, 2018). These stereotypes have consistently been found to be associated with violence against women, rape culture, and rape myth acceptance (Ajayi et al., 2022; Brownmiller, 1975; Burt, 1980a; Depraetere et al., 2021; Johnson & Johnson, 2021; Willie & Kershaw, 2019). Rape myths are widespread and pervasive in patriarchal societies and may have a profound influence on the judgments and decision-making processes of laypersons within the context of sexual violence (Bohner & Schapansky, 2018; Burt, 1980a; Hills et al., 2021; Klement et al., 2019; Lonsway & Fitzgerald, 1994; Persson & Dhingra, 2020; Persson et al., 2018; Stuart et al., 2019; Zidenberg et al., 2021). Similarly, the literature regarding just-world beliefs indicates some influence related to judgments of others, including victims of sexual violence, and deservingness of outcomes based on perceived attributes or behaviors (Culda et al., 2018; Kaliuzhna, 2020; Lerner, 1978, 1980; Lerner & Simmons, 1966; Pinciotti & Orcutt, 2021; Strelan & Callisto, 2020). Altogether, current research indicates that these factors may all independently influence the decision-making and judgments of laypersons, with some evidence of compounding effects particularly related to victim disability.

The current literature will be further examined in the upcoming sections of this chapter. This chapter will include a description of the literature search strategy used to

gather current research on the topics of study. This will be followed by a discussion about the theoretical framework for the study, specifically an examination of just-world theory and feminist disability theory. There will also be an in-depth literature review related to key concepts and variables of this study, including sexual violence, rape culture, gender norms and stereotypes, rape myths, disability attitudes, and juror decision-making and judgments. The chapter will close with a summary of the major themes in the existing literature and how the present study will fill the identified gap in the literature to expand knowledge in the discipline of forensic psychology.

### **Literature Search Strategy**

The literature in this study included primarily peer-reviewed journal articles and books related to the topics of sexual violence, disability, gender stereotypes, rape myths, just-world beliefs, and juror decision-making. During the search for current literature, the scope of the literature review was limited to full-text peer-reviewed literature from the last 5 years (2018–2022), including academic journals, conference materials, reports, electronic resources, books, ebooks, and dissertations/theses. Some older articles and books containing important information relevant to the study, including seminal materials, were also reviewed.

The literature was located using several library databases, including Thoreau, Academic Search Complete, APA PsycInfo, APA PsycArticles, Criminal Justice Database, Political Science Complete, SAGE Journals, SocINDEX, Taylor and Francis, as well as Google Scholar. Additionally, books relevant to the topics being studied and

government websites such as those of the Bureau of Justice Statistics and U.S. Courts were reviewed. Finally, other articles were found using references from reviewed articles.

The keywords used when conducting literature searches included *sexual violence or sexual assault or rape or sexual abuse, sexual citizenship, disabled or disability or disabilities, disability attitudes, ableism or ableist, attitudes or perceptions or beliefs, stereotypes or bias or prejudice or discrimination, gender stereotypes or gender roles or gender bias or gender discrimination, sexism, women or female or woman or females or girl or girls, disabled woman or disabled women, violence against women or gender-based violence or domestic violence or intimate partner violence, rape myth acceptance or rape myth or rape culture, victim-blaming or blaming the victim or attribution of blame, just world beliefs or belief in a just world or just world theory or just world hypothesis, judgment or decision-making, juror or jury or juries, mock juror or mock jury or mock juries or jury simulation, juror decision-making, and juror perceptions*. Many of these search terms were combined during the search.

### **Theoretical Foundation**

The theoretical foundation of this study was based on the concepts of just-world theory and feminist disability theory. The intersectional nature of these theories lends support for their use in tandem with this study, as it was an examination of the intersectionality between disability, gender, and sexual violence preconceptions in jurors.

#### **Just-World Theory**

The just-world hypothesis was first introduced by Melvin Lerner in 1966. In a landmark study, Lerner and Simmons (1966) found that when an individual is confronted

with the suffering of an innocent victim, they must choose whether to believe they live in a cruel and unjust world or they live in a good and just world and the victim somehow deserves their suffering. When belief in a just world is threatened and the observer is not able to stop an innocent victim from suffering, they will choose to devalue and reject the victim while attributing their suffering to their character or something they did or failed to do (Lerner & Simmons, 1966). By doing otherwise, the observer would be admitting that anyone can suffer injustice and harm, including themselves, regardless of who they are or their behavior (Lerner & Miller, 1978).

Just-world theory became a more mainstream concept as Lerner expanded on his initial research. Ultimately, Lerner (1980) concluded that people have a strong need for order and control over their lives, which in turn leads to the creation of assumptions and expectations about how the world works. In a just world, it is believed that people get what they deserve based on their behavior and attributes (Lerner, 1980). Standards of deserving or entitlement are predetermined and socially constructed (Lerner, 1980). People who are judged to be good, have desirable qualities, and make good choices will have good outcomes, whereas people who are judged to be bad, have undesirable qualities, or make poor choices will have negative outcomes (Lerner, 1980). This view of the world may be defensive—a means of protection from an unpredictable and dangerous world that people have no control over (Hughes et al., 2020; Lerner, 1980). Believing in a just world allows people to wield some degree of control in a world that is both random and complex (Lerner, 1980; Strelan & Callisto, 2020). This belief allows people to ignore the unpredictability of the world, and instead see it as a place where behavior and

outcomes are systemically related so there is no undeserved suffering (Lerner, 1980; Lerner & Simmons, 1966). These beliefs may strongly influence how people judge their lives, the lives of others, and the world around them.

In addition to standards of deserving, there are social categories formed by societal structures and agencies of the majority (Lerner, 1980). These categories impose status and entitlement and affect the reality in which people move through society (Lerner, 1975, 1980). According to Lerner's theory, people have a defensive need to be superior to others and avoid comparison to those they deem inferior (Lerner, 1975). Good, desirable people are those who are helpful, agreeable, share values, make others feel good, and get people what they want (Lerner, 1975). Essentially, people prefer and attribute positive traits to those who are similar to the majority and willing to engage in mutually beneficial acts (Lerner, 1975). Individuals who do not meet these criteria (i.e., those who are a hindrance, different, undesirable) are considered "other" (Lerner, 1975). These individuals fall below society's standards and are therefore believed to be preconditioned to a negative fate (Lerner, 1975, 1980).

There are many groups of people who are negatively stereotyped and considered less worthy due to these structures, including women and those who are disabled (Lerner, 1975, 1980). The status of these groups categorizes them as being different, inferior, and less deserving than those who are part of the in-group (Lerner, 1975, 1980). These individuals live in a world of victims, which exists outside of the just world (Lerner, 1980). In the context of just-world theory, the consequence of being "other" is the expectation that such groups will perpetually experience injustice, suffering, punishment,

and other negative outcomes; a certain level of casualty for these groups is acceptable because that is simply the way the world works (Lerner, 1980).

Based on these beliefs, innocent victims and individuals existing in “other” groups are not only rejected but also derogated. In order to maintain the tenet that the world is a just place, victims are blamed for their own misfortune (Lerner, 1980; Lerner & Miller, 1978). Lerner and Miller (1978) asserted that the act of victim-blaming in the context of just-world beliefs may occur without any supporting evidence, merely as a mechanism to avoid challenging an accepted worldview. From this viewpoint, victimization occurs as the result of bad character or engaging in immoral, foolish, or careless acts (Lerner, 1980; Lerner & Miller, 1978). By blaming the victim for their own suffering, observers are able to convince themselves that no injustice has occurred, and their just-world beliefs are maintained (Lerner, 1980; Lerner & Miller, 1978). This is likely to result in rejection and condemnation of the victim, including in cases of sexual violence (Lerner, 1980; Lerner & Miller, 1978).

The current literature largely supports the just-world hypothesis. Strelan and Callisto (2020) discovered that the more people believe the world is just and fair, the more likely they are to believe they will experience positive and valued outcomes relative to others who are like themselves. However, these findings do not apply to those who would be considered dissimilar or “other.” Individuals with just-world beliefs may develop an implicit belief that their own world is more just than that of others (Strelan & Callisto, 2020). Therefore, “others” (rather than themselves) are the ones who may experience negative or feared outcomes (Strelan & Callisto, 2020).

The results of the literature imply that threats to just-world beliefs require changes in perception to preserve the notion that the world is a just place (Lerner, 1980; Pincotti & Orcutt, 2021). Individuals who are most likely to threaten just-world beliefs are typically innocent victims who suffer unjustly (Lerner, 1980). People who strongly believe in a just world may employ cognitive strategies such as derogation and devaluation to minimize these injustices and reduce their own fear and vulnerability (Lerner, 1978). In the case of innocent suffering, this may mean altering perceptions of a victim's character or behavior to find them deserving of their fate (Lerner, 1980; Pincotti & Orcutt, 2021).

### ***Just-World Beliefs and Sexual Violence***

In sexual violence cases, observers' beliefs in a just world may be threatened by the idea that an innocent person could be victimized by forces outside of their control (Culda et al., 2018). If bad things can only happen to bad people, sexual assault and rape must be construed as somehow deserved (Hughes et al., 2020). Therefore, just-world beliefs may serve as a way of eliminating injustice through victim derogation and blame, making people feel less vulnerable because they believe they have done nothing to deserve similar outcomes (Li et al., 2018). This concept is supported by Adolfsson et al. (2020), who found that, when confronted with an innocent victim, individuals with stronger beliefs in a just world may try to compensate by looking for reasons as to why the person was victimized. By believing that the victim did something to cause the assault, these individuals may be able to distance themselves from the crime and fear becoming a victim themselves (Adolfsson et al., 2020). Pincotti and Orcutt (2021) also

found support for the theory that just-world beliefs predict victim blame. According to their findings, people who endorsed just-world beliefs may have viewed victims of sexual violence as somehow deserving of and responsible for being assaulted (Pincotti & Orcutt, 2021).

Catlin et al. (2021) found that just-world beliefs may mediate the relationship between victim status and the likelihood of reporting, perceived control, and expected sympathy from others in sexual violence situations. When observers were prompted to take the victim's perspective in sexual violence scenarios, their just-world beliefs were found to be positively associated with motivation to report, perceived control over the situation, and expectation that they would receive sympathy (Catlin et al., 2021).

However, when just-world beliefs were removed from the analysis, these individuals were less likely to report being assaulted, reported more self-blame, and expected less sympathy from others (Catlin et al., 2021). These results indicate that beliefs in a just world may implicitly influence observer judgments of victims in sexual violence scenarios (Catlin et al., 2021). The findings of this study show that prompting observers to take the perspective of the victim (empathy) may not be enough to compensate for preconceived attitudes and ideologies regarding sexual violence (Catlin et al., 2021).

A study by Kaliuzhna (2020) found that people may be more apt to make connections between doing a bad deed and receiving consequences in the present than someone experiencing a negative event due to a past bad deed. In the context of sexual violence, this lends support to the idea that victim behavior may have an impact on attributions of blame. This could signify that just-world beliefs may only apply to victim

behavior that occurred immediately before, during, and after an assault rather than personal characteristics, choices, or sexual history (Kaliuzhna, 2020).

Lastly, Adolfsson et al. (2020) found that just-world beliefs may be less important when compared to rape myth acceptance and other factors in explaining attributions of blame in sexual violence cases. A study by Culda et al. (2018) added that there may be no relationship between just-world beliefs and victim-blaming. In Culda et al.'s study, victim-blaming did not occur more frequently in people who believed in a just world compared to those who did not. Although these findings may be in opposition to past research regarding just-world beliefs and sexual violence, they add to the discourse on the complexities and nuances of implicit prejudice and bias (Culda et al., 2018). It is possible that this divergence from other research could be due to how individuals identify with the victim's perspective, and therefore how they attribute blame (Culda et al., 2018).

### ***Just-World Beliefs and Disabled Victims***

Just-world beliefs are intricate and interact with other cognitive biases and character traits (Kaliuzhna, 2020). Furthermore, observer judgments are vulnerable to other biasing factors (Pascal, 2019). These punitive responses to victims reflect prejudice against others, particularly those who may be dissimilar, or outsiders from the mainstream group (Strelan & Callisto, 2020). From this viewpoint, disability and sexual victimization may be construed as deserved experiences (Hughes et al., 2020). Social norms and values may also influence these judgments (Dawtry et al., 2018). According to Dawtry et al. (2018), people may use this information to maintain a perception of deserving in situations when just-world beliefs are threatened through the derogation of

others. Derogation can take the form of prejudice and discrimination. The extent to which such negative attitudes are expressed depends on the acceptability of such biases against a specific target (Dawtry et al., 2018). For example, observers may believe it is not socially acceptable to express negative feelings toward people if they fall into certain social groups (e.g., elderly, disabled, etc.; Dawtry et al., 2018).

In their study, Dawtry et al. (2018) examined 100 social groups, including those with disabilities and victims. Participants in this study did not think it was acceptable to derogate anyone in these groups, however, it was also found that social norms for expressing negativity towards these groups greatly influenced perceived acceptability (Dawtry et al., 2018). If it is socially acceptable to negatively react to a specific social group, such as those with disabilities, then people may be more likely to engage in derogation (Dawtry et al., 2018). Additionally, under certain conditions, such as just-world threat, observers may break from social conventions to derogate others (Dawtry et al., 2018). These findings were particularly salient for all types of victims, with participants rating the victim's character more positively when the victim was described as innocent (Dawtry et al., 2018). Victims who were not described as innocent were rated more negatively (Dawtry et al., 2018). These findings suggest that even if people may not explicitly express negative attitudes towards these groups, they may still hold negative feelings and beliefs implicitly.

Pascal (2019) examined the effects of personal and situational similarity on moral judgments and made some interesting findings. It was found that when personal similarity to a transgressor is high, people may judge wrongdoings as being less immoral

(Pascal, 2019). Additionally, similarities between observer and transgressor also predicted empathy and sympathy, with observers being more empathetic and sympathetic to the transgressor (Pascal, 2019). When there was a past situational similarity between the observer and offender, observers judged them as being less immoral (Pascal, 2019). In addition, when observers had a perceived similarity to a victim, the transgression was judged to be more immoral (Pascal, 2019). Also, when there was a perceived past situational similarity to a victim, observers judged the wrongdoing as more immoral (Pascal, 2019). These findings show that perceived similarity extends to moral judgments of offenders and transgressions, which may impact how observers feel about and evaluate misconduct (Pascal, 2019).

Similarly, Pinciotti and Orcutt (2020) found that perceived similarity and assault history may predict perceived vulnerability, but victim-blame may not be predictive of perceived similarity or vulnerability (Pinciotti & Orcutt, 2020). In fact, greater victim-blame may predict less perceived similarity (Pinciotti & Orcutt, 2020). This indicates that victim blame may serve as a way for observers to distance themselves from victims (Pinciotti & Orcutt, 2020). By viewing victims as dissimilar to themselves, observers may avoid feeling vulnerable to similar circumstances and are able to maintain just-world beliefs (Pinciotti & Orcutt, 2020). For example, through the lens of just-world beliefs, disability and victimhood are both negative outcomes that have fallen on a person because they are deserving of that fate through some perceived immoral behavior or bad characteristics (Dunn, 2019b; Lerner, 1980). This may lead to derogation and victim-

blaming by observers to maintain a sense of control and protection from vulnerability while also doling out justice to those perceived as deserving of suffering (Lerner, 1980).

### **Feminist Disability Theory**

Bridging from general feminist theory, interpretations of social assumptions and attitudes related to disabled women can be understood as a result of the historical privileging of male viewpoints (i.e., men asserting power and dominance over women and those of other marginalized identities; Mays, 2006). These harmful social constructs, as well as societal inequalities and barriers, serve to enhance disabled women's vulnerability (Basile et al., 2016; Chenoweth, 1996; Kafer, 2013; Lee & Fenge, 2016; Magnabosco & de Souza, 2019). Feminist disability theory began to emerge in the late 1900s as a result of several social justice movements and activism, including the women's rights, civil rights, and disability rights movements, to challenge these societal beliefs about womanhood and disability and protect this population from discrimination (Eagly, 2012; Garland-Thompson, 2002; Garland-Thompson, 2013; Walker, 1989).

Feminist disability theory is focused on unsettling longstanding social structures and perceptions of disabled women (Banks & Kaschak, 2003; Garland-Thompson, 2005). This theory asserts that the experience of these women is situated in the context of rights and exclusions (Banks & Kaschak, 2003; Garland-Thompson, 2005; Mays, 2006). From this perspective, disability is a system of marginalization that stigmatizes differences, portraying disabled women as undesirable, pathological, and inferior (Garland-Thompson, 2005). Feminist disability theory views disability as socially constructed and as an interaction between bodies and the world wherein disability, like femininity, is not a

state of inferiority or misfortune (Garland-Thompson, 2002; Garland-Thompson, 2005; Gerschick, 2000). Under this theory, disability is seen as a system of representation rather than ability, function, or impairment (Garland-Thompson, 2005). It is meant to reclaim dismissed voices and experiences of disabled women, understand the relationship between disabled bodies and the self, highlight the social process of forming identity, denaturalize disability, and challenge oppression (Garland-Thompson, 2005; Gerschick, 2000). Feminist disability theory adopts a complex and nuanced understanding of the cultural history of the body and identity (Garland-Thompson, 2002; Gerschick, 2000). The inclusion of disability in feminist theory provides opportunities to transform thought processes related to feminist concerns as well as the complexity of embodied identity and intersectionalism (Garland-Thompson, 2005; Gerschick, 2000).

Disabled women are defined both by their gender and the cultural narratives surrounding disability, amplifying the effects of discrimination (Banks & Kaschak, 2003; Gerschick, 2000). For women, being disabled exacerbates the worst and most direct forms of gendered prejudice and violence (Gerschick, 2000). Stereotypes and negative attitudes towards disabled women affect nearly every aspect of daily life, including infringement on equality and basic human rights (Banks & Kaschak, 2003). Historically, disabled women have been oppressed; they are often isolated from the remainder of society, experiencing structural and social barriers confining them to roles deemed acceptable by prejudice and lack of accessibility (Banks & Kaschak, 2003). Discriminatory practices such as eugenics, forced sterilization and other compulsory surgical or medical treatments, mercy killing, physician-assisted suicide, involuntary

institutionalization, and abuse or neglect have been legitimized by systems of oppression, eradication, and exclusionary attitudes against disabled women, possibly due to the prejudicial assumption that disability itself negatively affects quality of life (Garland-Thompson, 2002). Disabled women are often seen in terms of their condition: helpless, vulnerable, asexual, and incompetent or child-like, but are also expected to transcend their limitations by being held to the same unrealistic expectations as able-bodied women (Banks & Kaschak, 2003; Garland-Thompson, 2002; Mays, 2006; Walker, 1989). Early works in feminist theory established that discrimination against women and the resulting oppression is responsible for this produced state of vulnerability (Walker, 1989). According to Barnes (2016), being a woman means being socially subordinate – occupying a disadvantaged place in social structure. This may be due to societal expectations about femininity and what it means to be a woman (Eagly, 2012). For disabled women, gendering is conditional based on a variety of interpersonal factors (Gerschick, 2000). Therefore, disability has considerable effects on the experience of gender (Gerschick, 2000). This paradox is perpetuated by invisibility and segregation from society at large, creating a vicious cycle that serves to further exclude and devalue disabled women as well as enable harmful misconceptions (Banks & Kaschak, 2003).

One final aspect of feminist disability theory of relevance relates to temporary able-bodiedness. Bodies, as well as identities, are always in transition. Both the body and the mind change over time, sometimes spontaneously and drastically (Garland-Thompson, 2002). Anyone can become disabled at any time, with most experiencing disability in some form during their lifetime (Garland-Thompson, 2002). Researchers in

feminist disability theory have asserted that encountering disability reminds people that their bodies are in a constant state of decline, which challenges the idea that the body and identity are stable and enduring (Garland-Thompson, 2002). Individuals take great strides to deny their fragility and mortality; disability contradicts this fallacy (Garland-Thompson, 2002). This confrontation is a reminder that eventually we all evolve into disability (Garland-Thompson, 2002). Because there are many societal disadvantages to being disabled, people may attempt to distance themselves from disability through acts of avoidance, ignorance, or discrimination (Garland-Thompson, 2002).

### **Rationale**

There are several overlapping concepts of just world theory and feminist disability theory when considering the perception and treatment of disabled women. These concepts are of interest because they may be useful in the examination of juror preconceptions and decision-making in cases of sexual violence against disabled women. Disabled women are deemed, by implicit bias and social constructs, as atypical, “other,” or less than compared to their male or able-bodied counterparts, possibly rendering their victimhood and behavior unacceptable or abnormal in the context of sexual violence (Basile et al., 2016; Chenoweth, 1996; Hughes et al., 2020; Lerner, 1980; Leverick, 2020; McKimmie et al., 2014; Pack, 2019; Sommer et al., 2016; Stuart et al., 2019). Just world theory lends itself to understanding how reactions to “others” and being confronted with disabled bodies and identities may affect victim-blaming and other cognitions related to victimization, whereas feminist disability theory allows for a deeper consideration of the root of stereotypes and prejudices related to gender and disability, as well as the

intersectional nature of those attitudes. The use of these theories combined allowed for meaningful examination of juror preconceptions and judgments as they relate to this study. Few studies to date have examined juror decision-making from this theoretical lens. By doing so, this study added to the existing literature and contributed to a better understanding of the factors that influence legal judgments involving disabled female victims of sexual violence.

### **Literature Review Related to Key Variables and/or Concepts**

#### **Sexual Violence**

Violence against women has been acknowledged as a global public health crisis (World Health Organization, 2021). According to feminist theory, gender inequality caused by gendered systems such as the patriarchy may influence the occurrence of violence against women and create justifications for sexual violence (Ajayi et al., 2022; Dobash & Dobash, 1979). This could be due to the influence of cultural beliefs, norms, and practices that affect women's experiences of sexual and other violence (Ajayi et al., 2022). Sexual violence may reinforce gender norms that restrict the expectations of women, dictating what is appropriately feminine (Angelone et al., 2021). In the context of traditional gender norms, men cannot be perpetrators of sexual violence because it is their right to pursue and control women, including in sexual encounters, and women should be submissive regardless of wantedness (Angelone et al., 2021).

Stereotypical beliefs about gender may implicitly shape how people think about attraction and how men and women engage in different types of relationships (Ellemers, 2018). Traditional gender roles may create an unequal power dynamic between men and

women, which may be used by men to legitimize violence against women (Willie & Kershaw, 2019). Willie and Kershaw (2019) demonstrated that higher levels of gender inequality may be associated with a higher prevalence of intimate partner violence against women (Willie & Kershaw, 2019). These findings signify that gender inequities create a culture that justifies violence against women (Willie & Kershaw, 2019). Supporting these findings, Holland et al. (2020) found that individuals who do not support gender equality are less supportive of sexual assault victims than those who endorse equality.

Although gendered violence may be similar for women in general, disabled women seem to be at higher risk (Van der Heijden et al., 2019a). According to the Crime Against Persons with Disabilities report by the Bureau of Justice Statistics, from 2017 to 2019 in the United States, the rate of violent victimization for disabled individuals was nearly four times the rate of those without disabilities (Harrell, 2021). For disabled women, the overall rate of violent victimization (including sexual violence) was 49.4 per 1,000 compared to 11.3 per 1,000 for nondisabled women (Harrell, 2021). Specifically, rape and sexual assault accounted for 27% of all violent victimizations amongst disabled men and women, with disabled women experiencing higher rates of sexual violence than disabled men (Harrell, 2021). Finally, disabled women are more likely than nondisabled women to be victimized by someone they know (i.e., intimate partner, relative, acquaintance) than by a stranger (Harrell, 2021).

Current research supports these statistics. Dammeyer and Chapman (2018) found that individuals with disabilities are at an increased risk for various types of violence,

including sexual violence. Of note, disabled women were found to have reported higher levels of all violence than nondisabled women and were more likely to experience sexual violence than both disabled and nondisabled men (Dammeyer & Chapman, 2018). In a study about the intersection of gender and disability in relation to violence experienced by disabled women in South Africa, Van der Heijden et al. (2019a) found that all the women interviewed had experienced some form of violence in their lifetimes (Van der Heijden et al., 2019a). These experiences of violence were the result of social stereotypes about disability, specifically inability, dependency, vulnerability, inaccessibility, and perceived asexuality (Van der Heijden et al., 2019a). Another study by Van der Heijden et al. (2020) had similar results, finding that disabled women were at higher risk for experiencing violence (Van der Heijden et al., 2020). Disabled women's vulnerability may be enhanced due to high levels of gender-based violence as well as environmental barriers and discrimination (Van der Heijden et al., 2020). Some influential factors included issues related to physical access and communication barriers, disability stigma, and dependence on potential perpetrators of violence (Van der Heijden et al., 2020).

Similarly, Basile et al. (2016) discovered that disabled women are at greater risk for recent sexual violence victimization compared to nondisabled women. Disabled women had an increased risk of experiencing rape as well as sexual coercion and other unwanted sexual experiences (Basile et al., 2016). In the 12 months preceding the study, 39% of the women who had been raped in the United States were disabled at the time of their assault (Basile et al., 2016). In a separate study, Van der Heijden et al. (2019a) found that 33% of the women interviewed had experienced some type of coerced or

unwanted sexual encounter. The perpetrators were all men and generally people that the victim knew (Van der Heijden et al., 2019a). The women all reported similar reactions to their experiences, with several mentioning freezing (not fighting back or refusing) out of fear (Van der Heijden et al., 2019a). When explaining their reactions to the assault, participants all mentioned reliance on their aggressor in some capacity or their vulnerability due to their impairment (Van der Heijden et al., 2019a).

### ***Rape Culture***

The existing research indicates that gender ideologies may motivate victim blame and rape-supportive culture (Angelone et al., 2018; Angelone et al., 2021; Banarjee, 2020). According to Kalin and Tilby (1978), gender ideologies are attitudes that define appropriate roles, responsibilities, and rights in society based on gender whereas rape culture is defined as an ideology that supports or excuses sexual violence (Burt, 1980a). Rape culture is comprised of traditional gender roles, adversarial sexual beliefs, and acceptance of violence against women (Burt, 1980a). These gendered themes within patriarchal societies give power to systems that influence violence against women (Ajayi et al., 2022). These norms are passed from one generation to the next through socialization as well as implicit attitudes and behaviors (Zuo et al., 2018). From an early age, children are taught these stereotypes, which are later reflected in their behaviors and beliefs as adults (Bates et al., 2019; Ellemers, 2018). Society socializes boys to become sexual aggressors whereas girls learn to be sexually submissive to men (Burt, 1980a). Children are taught that aggression and violence during sex are normal between men and women (Johnson & Johnson, 2021). By the time children transition into adolescence and

adulthood, these gendered norms are ingrained and implicit (Bates et al., 2019). For these reasons, sexual violence may not be seen as problematic or even acknowledged.

Violence against women, including sexual violence, is seen as a gendered human rights violation and a form of discrimination (Banarjee, 2020). Gendered violence enforces women's role of subordination to men while upholding the patriarchal structures throughout society that endorse the oppression of women (Banarjee, 2020). According to Banarjee (2020), patriarchal authority creates opportunities for sexual violence in most cultures globally. Cultural beliefs, norms, and practices intersect with gender and patriarchal systems of oppression to influence sexual violence (Ajayi et al., 2022; Brownmiller, 1975). Patriarchal societies that hold beliefs about gender roles for women are often unsympathetic to victims of sexual violence and may collectively embrace rape myths (Ajayi et al., 2022; Angelone et al., 2021; Bates et al., 2019; Burt, 1980a). According to Canan et al. (2018), acceptance of rape myths, token resistance, hostile sexism, and sexually aggressive behavior towards women all contribute to a rape-supportive culture.

In a study about cultural beliefs, norms, and practices related to women's experiences of sexual violence and abuse, Ajayi et al. (2022) found that in patriarchal societies where women are expected to behave respectfully and submissively to men, sexual abuse and violence may be condoned because of perceptions of submission. The relationship between gender and gender roles establishes power dynamics, which may influence such attitudes about women and their status to men (Ajayi et al., 2022). In a culture accepting of rape, perpetrators of sexual violence may be excused or exonerated

because of gendered roles and expectations (Ajayi et al., 2022). Within this ideology, women are rewarded for adhering to traditional gender norms and punished when they do not (Angelone et al., 2021). Angelone et al. (2018) found that such gender role attitudes mediate the relationship between gender and victim blame, and gender ideology may be a predictor of attributions of blame against victims of sexual violence.

Overall, the literature conveys a strong message that patriarchal structures, violence against women, and gender inequities sustain a culture of rape (Ajayi et al., 2022; McPhail, 2015). Gender roles, norms, and stereotypes are widely present in society, influencing attitudes toward and discrimination against women. These stereotypes lead to sexism, which has been shown to fuel gendered violence, including sexual assault and rape. Examining sexual violence through the lens of gendered expectations allows for a broader understanding of the operationalization of subservience and powerlessness in the lived experience of women (Ajayi et al., 2022).

### ***Sexism and Sexual Violence***

Burt (1980a) defines sexism as stereotyping or discrimination based on gender. Sexism, like other isms, exists on a societal and structural level (Johnson & Johnson, 2021). People may be discriminated against if they do not meet the expectations set by traditional gender roles and stereotypes (Johnson & Johnson, 2021). According to Lonsway and Fitzgerald (1995), sexism maintains a power imbalance between men and women, limiting women's rights during sexual encounters due to gendered stereotypes. The superiority of men over women is one of the main tenets of sexism, wherein women are seen as objects of male pleasure rather than autonomous humans (Johnson & Johnson,

2021). Negative attitudes about women and desensitization to violence against them may normalize and excuse the perpetration of sexual violence (Johnson & Johnson, 2021).

Glick and Fiske (1996) developed the theory of ambivalent sexism, wherein men are given more power and status than women, men and women are differentiated by their roles and traits, and relationships between men and women are based on sexuality and intimacy. These factors create hostile and benevolent forms of sexism (Glick & Fiske, 1996; Glick & Fiske, 1999; Glick & Fiske, 2001). Hostile sexism is adversarial against women whereas benevolent sexism is more nuanced (Rollero & Tartaglia, 2019). Higher hostile sexism has been found to be associated with higher levels of victim culpability and lower levels of victim credibility, perpetrator responsibility, and perpetrator criminality in the context of sexual violence (Angelone et al., 2018). Benevolent sexism, on the other hand, exemplifies women as being pure and in need of protection while also characterizing them as weak (Rollero & Tartaglia, 2019). Benevolent sexism is more closely related to traditional gender roles (Johnson & Johnson, 2021; Rollero & Tartaglia, 2019). Research indicates that hostile sexism, adversarial sexual beliefs, and hostility towards women may influence rape culture (Johnson & Johnson, 2021). Acceptance of gender stereotypes may therefore obstruct perceptions of violence against women and attributions of blame toward victims and perpetrators (Bates et al., 2019).

Women who behave counter-stereotypically may be subject to higher levels of sexism and victim blame than those who embody traditional femininity and gender norms (Bates et al., 2019). Victims of sexual violence who behave in an unorthodox manner for their gender may be labeled as “bad” victims, making it easier for observers to attribute

blame to them (Bates et al., 2019). Hostile sexism demeans and degrades women who defy traditional gender roles while also justifying their subservience to men (Angelone et al., 2021). From the viewpoint of benevolent sexism, women become victims of sexual violence if they refuse the protection afforded to them by men or because they failed to adhere to their prescribed gender role (Angelone et al., 2021). In these situations, women are blamed for their own assaults, and little or no blame is placed on perpetrators (Angelone et al., 2021). Hostility towards women and benevolence towards men has been found to decrease attributions of blame and responsibility for male perpetrators in cases of sexual violence (Rollero & Tartaglia, 2019). Sexism, therefore, may be an important mechanism for predicting victim blame (Angelone et al., 2021).

### ***Dehumanization and Objectification***

Women are often evaluated by their appearance rather than accomplishments or other personal attributes, with looks being a key determinant of women's worth (Ellemers, 2018; Morris et al., 2018; Pickens & Braun, 2018). Through objectification, women's appearances are the focus even when they are not being sexualized (Morris et al., 2018). Objectification of women is dehumanizing, and when they are sexually objectified, women are reduced to sex objects rather than fully agentic people (Morris et al., 2018). Morris et al. (2018) found that sexual objectification of women reduced observer perceptions of uniquely human traits, and appearance-focused objectification reduced recognition of human nature. Therefore, sexualizing women may cause observers to perceive them as less human (Morris et al., 2018).

Another study by Salmen and Dhont (2020) found that the dehumanization of women may predict sexism because it denies women uniquely human characteristics while also promoting patronizing and protective attitudes. Dehumanization may trivialize sexual violence against women through hostile sexism by justifying women's subservience to men (Salmen & Dhont, 2020). Benevolent sexism may promote the animalization of women, validating male dominance over women because it is perceived as well-meaning and socially acceptable (Salmen & Dhont, 2020). The findings of these studies show that objectification of women undermines their humanity and affects their risk of being harmed (Morris et al., 2018).

### ***Gender Norms and Stereotypes***

The World Health Organization (2009) has asserted that gender differences related to societal roles and behaviors create inequalities and encourage the empowerment of men while disadvantaging women. Beliefs about male superiority and gendered conditions may serve to justify women's position of inferiority (Ajayi et al., 2022). Gendered hierarchies are foundational to issues of equality, oppression, and power within society (Ajayi et al., 2022). Gender stereotypes influence the way people judge men and women and capture how society thinks they should behave (Ellemers, 2018). These stereotypes affect perceptions of opportunities afforded, desirable characteristics, appropriate ambitions, and valued outcomes based on gender (Ellemers, 2018). Gender norms and stereotypes are part of broader gender ideologies.

Despite expanded opportunities for women beyond marriage and motherhood in the modern-day era, traditional gender ideologies persist, and women are still subjected to

gender norms that dictate what is and what is not appropriately feminine (Pickens & Braun, 2018). Under traditional gender roles, women are expected to be submissive, nice, modest, passive, sweet, fragile, thin, and attractive (Johnson & Johnson, 2021). Women are also supposed to be warm and communal, care for others, prioritize family, and deprioritize their own personal goals and achievements (Ellemers, 2018). They are also expected to be accommodating and agreeable, particularly when engaging with men (Ellemers, 2018). Finally, women have historically been instructed on the importance of being sexually pure, dressing modestly, maintaining sobriety, and avoiding risky situations (Bates et al., 2019).

A study by Pickens and Braun (2018) shed light on how women perceive stereotypes and norms of femininity. In this study, women identified several themes related to standards for their gender. Women are expected to adhere to beauty standards, but not in a way that labels them as too feminine (Pickens & Braun, 2018). Women also need to find the perfect balance between purity and sexuality while securing an appropriate heterosexual partner at the right age (Pickens & Braun, 2018). These standards must be met while appearing submissive and allowing men to have a certain level of control over them (Pickens & Braun, 2018). The women in this study felt that they were governed by these rules for femininity, which were described as complex and difficult to maintain (Pickens & Braun, 2018).

Women face gender inequity in nearly every aspect of life due to legal, political, economic, and social barriers (Banarjee, 2020; Klingner, 2020; Pickens & Braun, 2018; Steelfisher et al., 2019). A study by Steelfisher et al. (2019) found that women in the

United States experience gender-based discrimination in healthcare settings, obtaining equal pay, being considered for promotions, applying for jobs, applying to or attending college, renting an apartment, buying a house, and interacting with police.

Interpersonally, women experience discrimination through sexual harassment, being threatened or nonsexually harassed, and other experiences of violence (Klingner, 2020; Steelfisher et al., 2019). Importantly, Steelfisher et al. (2019) found that these effects may be more pronounced for women from marginalized groups, signifying women face multiple forms of discrimination due to the intersectionality of their social identities (Steelfisher et al., 2019).

By amalgamating all women into a single group, stereotypical expectations are likely to dominate the views about individual women and influence judgments (Ellemers, 2018). This is evidenced in that stereotypes about gender and gender roles have not seen much change in the last several decades. A study by Lee et al. (2018) found that the pace of social change related to gender has been inconsistent in the United States since 1974. Participants perceived the most social change in beliefs about gender occurring from 1985 to 1994, with another burst of renewed change from 2002 to 2010 (Lee et al. 2018). However, there has been a slowdown in social change efforts related to gender since that time (Lee et al. 2018).

A study by Hentschel et al. (2019) also showed that gender stereotypes persist, with men and women rating the opposite sex and their own sex differently in areas of competence, assertiveness, independence, concern for others, sociability, and emotional sensitivity. Differences in ratings aligned with traditional gendered stereotypes

(Hentschel et al., 2019). Zuo et al. (2018) made similar findings. From a sample of university students, over 20% endorsed unequal positions within families and social contexts between men and women (Zuo et al., 2018). These findings signify that traditional gender ideologies are still entrenched in society despite some improvement (Lee et al. 2018; Zuo et al., 2018).

Women may be in a catch-22 situation when it comes to gender stereotypes. There is an expectation that women be pure and resist sexual advances from men (Johnson & Johnson, 2021). However, women are also expected to be submissive and passive to men, so refusing male advances may be frowned upon based on traditional gender roles (Johnson & Johnson, 2021). Consequently, societal attitudes and stereotypes about gender may impact how people respond to victims (Bates et al., 2019). Following sexual violence, women are often blamed for being in a risky situation, not fighting back or refusing despite the expectation that women should not resist the desires of men (Johnson & Johnson, 2021).

Despite the plethora of research regarding the influence of gender stereotypes on perceptions of women, there are some conflicting findings. Felson and Palmore (2021) found that individuals who hold traditional gender role attitudes are no more likely than those without such attitudes to blame victims. Findings showed that individuals who believe in traditional gender roles do not necessarily blame victims of sexual violence solely for violating gender roles (Felson & Palmore, 2021). These results suggest that other factors may influence attributions of blame rather than gender stereotypes alone (Felson & Palmore, 2021). Although the results of this study differ from the wider body

of research, they do not rule out gender stereotypes as having some effect on perceptions of victims. Even if gender stereotypes may not solely influence such perceptions, they may still play some role or interact with other factors that do affect victim-blaming.

Overall, the current literature suggests continued systemic and interpersonal discrimination against women (Steelfisher et al., 2019). The collective acceptance of set gender roles by both men and women demonstrates their salience (Ajayi et al., 2022). Individuals who deviate from these prescribed norms may be viewed unfavorably, therefore women who behave stereotypically may be seen more positively than women who violate gender norms (Ajayi et al., 2022; Ellemers, 2018). Women who do not adhere to these norms may be punished through societal disapproval and sexist attitudes (Bates et al., 2019; Pickens & Braun, 2018). People tend to prefer information that confirms stereotypes, so counter-stereotypical women may be viewed negatively because they challenge implicit beliefs about gender and femininity (Ellemers, 2018).

**Sexual Scripts and Gender Role Conformity.** According to Depraetere et al. (2021), gender roles and sexual scripts may dictate the behavior of men and women during sexual encounters, with sexual scripts shaping these interactions. These scripts follow normalized gender stereotypes wherein men are seen as the pursuer of sex while women act as the gatekeepers and need to provide some resistance to maintain their wholesomeness and purity (Bates et al., 2019; Canan et al., 2018; Depraetere et al., 2021; Muehlenhard & Hollabaugh, 1988; Muehlenhard & Rodgers, 1998). The sexual scripts used during sexual encounters may also be influenced by sexism, which could be

problematic due to unbalanced power dynamics related to gender and sex (Bates et al., 2019; Canan et al., 2018; Depraetere et al., 2021).

Sexual scripts are used to understand how a sexual encounter may develop (Frith & Kitzinger, 2001; Simon & Gagnon, 1986). These scripts may help identify and explain typical sexual scenarios based on gender role stereotypes but may also include depictions of sexual violence (Frith & Kitzinger, 2001; Mulder & Olsohn, 2021; Simon & Gagnon, 1986). In sexual assault and rape cases, observers may use gendered scripts to determine whether a sexual encounter should be considered a “real rape” (Mulder & Olsohn, 2021). In summary, the “real rape” scenario is typically perpetrated by a stranger at night, in an isolated, bad part of town (O’Connor et al., 2018; Stirling et al., 2020). In a “real rape” script, the victim should emphatically say no, fight their attacker, and have injuries from the assault (Zidenberg et al., 2022). In the context of sexual violence, women who go against the archetype of “real rape” may be subjected to more victim blame, being labeled as “bad” women who got what they deserve (Angelone et al., 2018).

By these standards, acts of submission during a sexual assault or rape may work against women (Bates et al., 2019). Although women are expected to initially decline sex (token resistance) according to heteronormative standards, they are also expected to eventually submit to men’s advances (Bates et al., 2019; Canan et al., 2018). Therefore, women who deny sex but then freeze when they are assaulted may be seen as consenting because reluctant compliance is considered the norm for how women are supposed to behave during sexual encounters (Bates et al., 2019). As women are expected to adhere to the roles and stereotypes ascribed to femininity, they are often left with few options other

than submitting to the sexual scripts for their gender, which feeds into a culture of rape (Ajayi et al., 2022).

### ***Rape Myths***

Sexually oppressive beliefs, including rape myths, are a commonly recurring influence on the perception and treatment of women (Hust et al., 2019; Seabrook et al., 2019; Yapp & Quayle, 2018). Rape myths are widely held false attitudes and beliefs about rape that serve to deny and justify sexual violence against women (Lonsway & Fitzgerald, 1994). They help maintain patriarchal ideologies and structures by protecting men from accountability for sexual violence (Ajayi et al., 2022). Essentially, rape myths are another avenue for gender and power to intersect to limit women's autonomy (Ajayi et al., 2022). Rape myths place women in a marginalized status to men by blaming the victim, exonerating the perpetrator, denying claims of sexual violence, and asserting that only certain individuals can be victims of rape (Burt, 1980a; Lonsway & Fitzgerald, 1994; Vandiver & Dunlap, 2012). Such beliefs minimize the effects and severity of sexual violence while also disempowering women (Ajayi et al., 2022).

Cultural norms may influence rape myth acceptance, specifically sexism and violence toward women (McMahon et al., 2020). Exposure to patriarchal structures and ideologies may predict rape myth acceptance, and the extent to which rape myths are accepted may dictate what happens after sexual violence is committed (Ajayi et al., 2022; Fakunmoju et al., 2021). Within a male-dominating society, rape myths may influence judgments about victims of sexual violence and may affect reporting, prevention, and prosecution of such cases (Fakunmoju et al., 2021). The culture of the United States is

laden with rape myths and other pervasive attitudes about sexuality and violence (Burt, 1980a; Klement et al., 2019). These attitudes can affect the act of sexual violence itself as well as behavior towards victims (Klement et al., 2019). The current literature suggests that acceptance of rape myths may be associated with the propensity for committing sexual violence, observer responses, sexual dysfunction beliefs, objectification of women, sexually aggressive behavior, victim-blaming, negative attitudes toward women, and agreement with patriarchal gender norms and stereotypes (Barnett et al., 2017; Caldara, 2018; Hust et al., 2019; Seabrook et al., 2019; Van Der Bruggen & Grubb, 2014; Yapp & Quayle, 2018). All these factors may be influential in the outcome of sexual violence trials.

**Rape Myths and Disability.** Although rape myths may apply to any victim of sexual violence, they may be particularly problematic for disabled women (Dalton et al., 2021). A study by Dalton et al. (2021) is the only current piece of literature that examines the effects of victim characteristics on perceptions of sexual violence in the context of disability. Most participants in this study did not endorse rape myths, and rejection of rape myths was associated with better odds of an incident being classified as sexual assault (Dalton et al., 2021). Overall, 63.8% of participants classified the scenario presented as sexual assault (Dalton et al., 2021). The highest proportion of agreement that the scenario was sexual assault was for the victim in a wheelchair, indicating that the disability status of the victim may influence the classification of sexual assault (Dalton et al., 2021). This suggests that observers may attribute blame differently when a victim is disabled (Dalton et al., 2021). Interestingly, Dalton et al. (2021) also found that general

attitudes toward disability were not associated with classification, meaning that other factors related to disability may better explain this effect.

**Rape Myths and Sexism.** As previously mentioned, rape myths are rooted in patriarchy and sexism, guided by traditional gender roles that place women in a position of submission to men (Burt, 1980a; Canan et al., 2018; Glick & Fiske, 2002; Lonsway & Fitzgerald, 1994). This is demonstrated by Angelone et al. (2021), who found that individuals who hold sexist beliefs may be more likely to endorse rape myths, demonstrating that sexist attitudes can motivate rape myth acceptance (Angelone et al., 2021). Additionally, Rollero and Tartaglia (2019) found that hostility towards women, which is one dimension of sexism, may increase the acceptance of rape myths. Individuals who express explicitly adversarial views of women (i.e., hostile sexism) may be more likely to endorse rape myths than those without such views (Rollero & Tartaglia, 2019). Benevolence towards men (i.e., benevolent sexism) may also be associated with the “He didn’t mean to” rape myth (Rollero & Tartaglia, 2019). These findings demonstrate that whereas hostility towards women involves endorsement of all rape myths, benevolence toward men may work to lessen guilt or responsibility for perpetrators in sexual violence cases (Rollero & Tartaglia, 2019).

Supportive of these findings, Stichman et al. (2019) found that individuals who are hostile toward women may believe victims are more responsible for their own sexual assaults than the perpetrator. These attitudes may stem from the gendered stereotype that men have stronger sex drives and may not be able to control themselves, so women need to be more guarded and avoid high-risk situations (Stichman et al., 2019). Stichman et al.

(2019) also discovered that women may be more likely than men to believe that sexual violence is caused by their inferior status in society. Some potential causes of rape identified by the women in this study include women being seen as property, men asserting their right to have sex regardless of consent, societal acceptance of violence against women, traditional gender norms, and men acting out their hostility toward women (Stichman et al, 2019). These findings support previous research regarding the influence of traditional gender roles and heteronormative sexual scripts on sexual violence (Bates et al., 2019; Canan et al., 2018; Depraetere et al., 2021; Frith & Kitzinger, 2001; Muehlenhard & Hollabaugh, 1988; Muehlenhard & Rodgers, 1998; Simon & Gagnon, 1986).

**Rape Myths and Sexual Violence.** In the context of sexual violence, Belyea and Blais (2021), O'Connor et al. (2018), and Hills et al. (2021) uncovered rape myths related to the perpetrator, the victim, and the assault itself. In relation to the victim and perpetrator, Belyea and Blais (2021) found that as rape myths increase, observers may be more likely to believe a victim of sexual assault provided consent while also viewing the perpetrator more positively than the victim. With this, the most common rape myths for the perpetrator in both studies were "He didn't mean to" and "He didn't mean to due to intoxication" (Belyea & Blais, 2021; O'Connor et al., 2018). These myths claim that perpetrators accidentally commit sexual assault (O'Connor et al., 2018). For victims, the most common rape myth in both studies was "She asked for it" (Belyea & Blais, 2021; O'Connor et al., 2018). This myth implies that victims are responsible for their own assault due to personal or situational characteristics (O'Connor et al., 2018). Specifically,

victim clothing, speech, behavior, sexual history, relationship status, and intoxication were all mentioned as potential causes of victimization (O'Connor et al., 2018).

When looking at the incident itself, Hills et al. (2021) found that lack of consent may be the most prevalent factor observers use when determining whether a scenario is sexual assault. However, if observers perceive that the victim may have wanted sex or derived pleasure from the act, they may be less likely to classify the scenario as rape regardless of consent (Hills et al., 2021). These findings indicate that wantedness or enjoyment may lead observers to ignore lack of consent in their assessments of sexual violence (Hills et al., 2021). In their study, Belyea and Blais (2021) found that the most endorsed rape myth related to the offense was "It wasn't really rape." Specifically, after examining the presented scenario individuals mentioned that there were no intimidating circumstances during the encounter, the victim did not use force against the perpetrator, and the victim never screamed or called for help (Belyea & Blais, 2021). These factors were used to assert that no assault occurred. In the study by O'Connor et al. (2018), the most prominent rape myths related to the incident were "Rape is a trivial event" and "Rape is a deviant event." These myths suggest that rape is so common that it is inconsequential while also asserting that an encounter can only be classified as sexual violence if it occurs under specific parameters set by sexual scripts (O'Connor et al., 2018). Through these views, sexual violence is not serious or traumatic because it is such a frequent occurrence (O'Connor et al., 2018). Some observers may also excuse rape because it is considered just another element of a sexualized environment and such acts could be committed by almost anyone (O'Connor et al., 2018).

**Victim Blame.** Rape myth acceptance is distinct from victim-blaming (Dawtry et al., 2019; Milesi et al., 2020). Victim-blaming involves a variety of personal and situational factors, including but not limited to rape myth acceptance, and the relationship between rape myths and victim-blaming may vary for a variety of reasons (Dawtry et al., 2019; Milesi et al., 2020). According to Ajayi et al. (2022), in patriarchal societies, rape myths may excuse perpetrators of sexual violence against women while reducing sympathy for victims of such crimes. This is supported by Adolfsson et al. (2020) whose study found that individuals with higher levels of rape myth acceptance may be more likely to blame victims of sexual violence than their counterparts. These individuals may also blame the perpetrator less (Adolfsson et al., 2020). Another study by Ayala et al. (2018) had similar results. As rape myth acceptance increases, so may victim blame (Ayala et al., 2018). This study also supports the finding that perpetrator blame may decrease as rape myth acceptance increases (Ayala et al., 2018).

Comparably, studies by Bohner and Schapansky (2018) and Klement et al. (2019) found that people who endorse rape myths may perceive victims of sexual violence as less credible and place more culpability on them for their own assault (Bohner & Schapansky, 2018; Klement et al., 2019). These individuals may deny the seriousness of sexual violence and negate the trauma experienced by the victim while attributing less responsibility to the perpetrator for committing sexual violence (Bohner & Schapansky, 2018; Klement et al., 2019). Another study by Zidenberg et al. (2021) showed that rape myth acceptance may be positively correlated with victim responsibility, negative affect toward victims, sympathy for perpetrators, and perpetrator mitigating factors. Such

beliefs may be negatively correlated with victim sympathy, perpetrator responsibility, and negative affect toward perpetrators (Zidenberg et al., 2021).

In the same vein, Stuart et al. (2019) found that higher levels of rape myth acceptance may be associated with higher levels of victim blame, lower levels of perpetrator blame, lower perceptions that the incident was rape, and lower perceptions of perpetrator dangerousness. Findings indicated that people may be less likely to blame victims in stranger rape scenarios and when the victim is described as stereotypical in comparison to acquaintance rapes and nonstereotypical victims (Stuart et al., 2019). Additionally, people may be more likely to perceive perpetrators as having committed rape in stranger rape scenarios or with stereotypical victims compared to acquaintance rapes or with nonstereotypical victims (Stuart et al., 2019).

Persson and Dhingra (2020) also made several discoveries related to victim-blaming and rape myth acceptance. First, people who have high levels of rape myth acceptance consistently blame victims across different scenarios, whereas those with low levels of rape myth acceptance blame the victim to a lesser extent (Persson & Dhingra, 2020). Second, victims of acquaintance rape may be blamed more for their assault than victims of stranger rape (Persson & Dhingra, 2020). The effect of victim/perpetrator relationship is strong enough on its own that it may not be affected by rape myth acceptance, although bias against acquaintance rape is a common rape myth in its own right (Persson & Dhingra, 2020). Lastly, benevolent sexism (which is associated with rape myth acceptance) may also predict victim-blaming in acquaintance rapes, but not

stranger rapes (Persson & Dhingra, 2020). The more someone endorses benevolent sexist beliefs, the more they blame victims of acquaintance rape (Persson & Dhingra, 2020).

In an earlier study, Persson et al. (2018) similarly found that observers may blame victims of acquaintance rape more so than they do victims of stranger rape. Individuals who had high levels of rape myth acceptance and hostile sexism also had high levels of victim-blame, but only in cases of acquaintance rape (Persson et al., 2018). Benevolent sexism was also found to correlate to victim blame in acquaintance rapes (Persson et al., 2018). Hostile sexism was found to be the strongest contributor to differences in victim-blame in this study, indicating that aggressive sexist attitudes may be particularly influential in attributing blame in cases of acquaintance rape (Persson et al., 2018). The findings of these studies indicate that rape myth acceptance may be more explanatory of overall victim blame than differences between acquaintance and victim rape in general (Persson & Dhingra, 2020). These results are in accordance with similar research regarding sexual scripts and rape.

**Sexual Scripts and Rape Myths.** Stranger versus acquaintance rape narratives may also shape perceptions of “real rape” in terms of scripting. According to Stirling et al. (2020), blitz scripts and acquaintance scripts are two different narratives people use to script rape. Blitz script rapes are random stranger rapes whereas acquaintance script rapes are typically described in terms of a hook-up or date rape scenario (Stirling et al., 2020). Both scripts are influenced by gender role stereotypes and rape myths (Stirling et al., 2020). Current research suggests that perceptions related to the stereotypicality of the offense, victim, and perpetrator may be related to one another and influence perceptions

of sexual violence (Stuart et al., 2019). Specifically, the offense may be seen as more stereotypical in stranger assaults and when the victim is described in line with relevant stereotypes (Stuart et al., 2019).

Taken together, rape myths and narratives surrounding sexual violence suggest that when an assault occurs, it does so under very specific and limited circumstances. As previously discussed, sexual assaults are seen as only happening in a bad part of town, at night, in an isolated place, perpetrated by a stranger (O'Connor et al., 2018). If an experience occurs outside of these parameters, it may not be deemed sexual assault (O'Connor et al., 2018). This aligns with previous research suggesting that sexual violence is typically scripted differently than heteronormative sexual experiences (Gash & Harding, 2018; Gunnarsson, 2018; Hines & Fileborn, 2020; Jackson, 1978). Just as people may adhere to gendered sexual scripts to predict and understand sexual encounters, in cases of sexual violence observers may employ scripts of what a "real rape" should look like, including victim characteristics and behavior (Frith & Kitzinger, 2001; Mulder & Olsohn, 2021; Simon & Gagnon, 1986; Stirling et al., 2020; Zidenberg et al., 2022). The idea of "real rape," therefore, is strongly influenced by rape myths (Mulder & Olsohn, 2021; Stirling et al., 2020; Zidenberg et al., 2022). In the context of sexual violence, if the details of an assault do not match the cultural rape script, observers may not identify the incident as being a true rape (Deming et al., 2013).

A study by Mulder and Olsohn (2021) found that, when presented with an ambiguous case of nonconsensual sex, observers may portray the situation as nonthreatening and not a real sexual assault. Participants in the study described the

scenario as an unfortunate situation where the perpetrator simply went too far, but they did not see the encounter as sexual assault (Mulder & Olsohn, 2021). By drawing upon sexual scripts, including the “real rape” script, participants diminished the severity of the event and dismissed or justified the perpetrator’s behavior (Mulder & Olsohn, 2021). The perpetrator was described as behaving normally based on heteronormative sexual scripts, with the outcome of the scenario being foreseeable based on “common knowledge” of sexual behavior and gender norms (Mulder & Olsohn, 2021). However, the victim was seen as responding inappropriately to the situation presented, with participants trying to explain their state of mind, personality, and behavior rather than the circumstances of the assault (Mulder & Olsohn, 2021). The victim’s experience was described as subjective and detached from reality, and if the event had truly been rape, they would have behaved differently (i.e., left the situation, verbally refused sex, fought against the assailant, etc.; Mulder & Olsohn, 2021). Participants attributed more responsibility to the victim than the perpetrator in the scenario because the victim’s actions did not match what was expected according to sexual scripts and gender stereotypes (Mulder & Olsohn, 2021).

By scripting sexual scenarios, observers may assume that such encounters will follow a fixed sequence, with each person within the situation behaving in specific ways and being aware of exactly how the event will unfold and the expectations of each party (Mulder & Olsohn, 2021). In the context of sexual violence, if the victim does not follow the prescribed script or perform appropriately during the encounter, they may be held more accountable for the outcome than the perpetrator (Mulder & Olsohn, 2021). The totality of the findings from the current literature suggests that there is a very limited

range of acceptable actions a victim can take to be accepted as a true victim of sexual assault (Mulder & Olsohn, 2021). Anything outside of these norms may be construed as consent or misunderstanding, and the victim risks being treated with cynicism and prejudice (Mulder & Olsohn, 2021).

**Changes in Rape Myth Acceptance.** There is some evidence that rape myth acceptance and expression may be changing. A study by Beshers and DiVita (2021) demonstrated that from 2010 to 2017 in the United States, overall rape myth acceptance in participants decreased. At the beginning of the study, participant rape myth acceptance was moderate, whereas in 2017 it neared low levels (Beshers & DiVita, 2021). Despite these decreases, rape myth acceptance is still prevalent and may simply be shifting from explicit bias to implicit attitudes.

Zidenberg et al. (2022) found that, despite denial of rape myth acceptance, people may still hold implicit acceptance of such ideologies. In this study, approximately 33% of participants endorsed some rape myths (Zidenberg et al., 2022). Responses to open-ended questions indicated that some participants believed that victims of sexual violence may be responsible for their own victimization because of their behavior, clothing, or intoxication (Zidenberg et al., 2022). Participants also alluded to using “real rape” scripts, in that if a victim did not say no, physically fight back against the perpetrator, or have injuries from the assault, the situation was not rape (Zidenberg et al., 2022). Participants also expressed difficulty assigning blame to the perpetrator and concerns about victims making false reports (Zidenberg et al., 2022). Similarly, Pack (2019) found that although most participants denied holding rape myths, 72% were found to accept at least one myth

about rape. Despite lower reported levels of rape myth acceptance, these findings demonstrate the prevalence of rape myths and provide evidence of their evolvment into implicit cognitive biases (Pack, 2019; Zidenberg et al., 2022).

### **Disability Attitudes**

The treatment of disabled people is another example of pervasive bias resulting from societal and structural factors. The current literature shows that, overall, people tend to hold negative or ambivalent attitudes about disability. Rohmer and Louvet (2018) found that implicit attitudes toward disabled people are generally negative. In their study, participants consistently rated disabled individuals as being warm but incompetent (Rohmer & Louvet, 2018). These attitudes may affect interactions between able-bodied and disabled people. According to Dunn (2019a), able-bodied people may assume that the experience of disability must be negative. Nondisabled people may ignore positive information or qualities about a disabled person and instead focus only on their presumed negative attributes, creating a fundamental negative bias against disability (Dunn, 2019a).

In their examination of affective reactions toward disabled people, Shaw and Pataki (2019) found that when confronted with having to engage with a disabled person, able-bodied people may feel more irritable and less calm compared to interactions with nondisabled individuals. Additionally, due to the negative presumptions that may be held about disability, able-bodied people may expect disabled people to compensate for their disability by exceeding the expectations placed on those without disability to make interactions more palatable (Hunt, Swartz, Carew, et al., 2018). When in public, able-bodied people may attempt to hide these feelings more so than when interactions are in

private (Shaw & Pataki, 2019). These findings indicate that nondisabled people may attempt to suppress negative emotions publicly when interacting with disabled people, but these attitudes still linger (Shaw & Pataki, 2019).

One possible explanation for these attitudes may be assumptions regarding the ability, or lack thereof, of disabled people. Disabled people may be seen as being unable to contribute to society or provide for themselves, which can lead to increased stigma and discrimination (Barbareschi et al., 2021). Able-bodied people frequently infantilize disabled people, with common terms including dependent, child-like, and desexualized, so they may not be seen as “real” adults (Slater et al., 2018; Yau, 2019). To be seen as an adult, a person needs to be able, self-sufficient, and independent in normative standards related to finances, work, family, and so on; disabled people are not viewed as able or part of the norm, so they may never be perceived as coming into adulthood (Slater et al., 2018). This infantilization of disabled people means that they are often considered to be dependent on others, usually parents, family members, or care facility staff, who then take control over making decisions for disabled individuals (Yau, 2019). Disabled adults may not be given the time, space, or respect to develop their own personal agency or autonomy (Yau, 2019).

In addition to viewing disabled adults as child-like and dependent, caregivers and community members may hold other biases about disability. A study by Friedman (2019) revealed that while family members may not have an explicit preference for disabled versus nondisabled people, their implicit attitudes tell a different story (Friedman, 2019). Roughly 77% of family members implicitly preferred nondisabled people and

approximately 27% explicitly preferred nondisabled people (Friedman, 2019). Moreover, Njelesani et al. (2018) found that family members and others in the community may treat disabled children with prejudice through acts of isolation, neglect, and abuse due to attitudes, traditional beliefs, and perceptions related to the unworthiness of the disabled (Rafoneke et al., 2018).

In addition to the factors previously discussed, perception of difference seems to be one of the most influential attitudes about disability. Often, disabled individuals are compared to “normal” people (i.e., able-bodied or nondisabled people; Barbareschi et al., 2021). Disability may be seen as a qualifier that makes someone an outcast from society, reinforcing the idea that disabled people have no shared qualities or experiences with able-bodied people (Barbareschi et al., 2021). Nondisabled people may develop negative attitudes such as fear, uncertainty, anxiety, and disgust because of this difference, and distance themselves from disabled people to avoid being excluded and stigmatized by association (Barbareschi et al., 2021; Dunn, 2019a; Hunt, Swartz, Carew, et al., 2018; Yau, 2019). This in-group, out-group categorization may result in favoritism for in-group members and derogation of out-group members (Dunn, 2019a). Those in the in-group are believed to have positive traits, whereas those in the out-group are denounced based on their perceived differences and faults (Dunn, 2019a). This out-group prejudice is very closely related to ableism.

Ableism is an especially prejudicial way of thinking about and interacting with disabled people. According to Bogart and Dunn (2019), ableism can be defined as stereotyping, prejudice, discrimination, and social oppression against disability. Ableism

attributes the actions of disabled people to their condition and ignores societal and environmental constraints that put them in a disadvantaged position compared to able-bodied people (Bogart & Dunn, 2019). A study by Branco et al. (2019) found that ableism is a particularly damaging form of discrimination. Being subjected to ableism may be associated with overall lower health and well-being for disabled individuals, resulting in more negative effects than sexism, racism, and ageism (Branco et al., 2019; Nario-Redmond et al., 2019).

Ableism may be manifested in explicit forms as well as more subtle and benevolent-seeming ways (Nario-Redmond et al., 2019). The most frequent forms of ableism experienced by disabled people are paternalistic and benevolent ableism (Nario-Redmond et al., 2019). With benevolent ableism, nondisabled people attribute higher levels of inspiration to disabled people for completing everyday tasks (Nario-Redmond et al., 2019). Patronizing ableism may be identified by patronizing speech and behaviors as well as unwanted help, infantilization, pity, invalidation, and overprotectiveness (Nario-Redmond et al., 2019). According to Nario-Redmond et al. (2019), hostile ableism is one of the least reported types of ableism, only surpassed by dehumanizing/objectifying and fear-based ableism. These types of ableism are more overtly negative and include behaviors such as verbal abuse, ridicule, assault, harassment, objectification, depersonalization, invasion of privacy, abandonment, neglect, and delegitimization (Nario-Redmond et al., 2019). Finally, nondisabled people may demonstrate fear of disability that manifests in avoidance of disabled people (Nario-Redmond et al., 2019).

According to Kattari et al. (2018), it is common for microaggressions to be used to perpetuate the various forms of ableism, and these microaggressions may be the result of assumptions and attitudes about disability and able-bodiedness. These microaggressions may be demonstrated through policing disabled people's bodies (Kattari et al., 2018). They may also come in the form of ignorance about the reality of disability (Kattari et al., 2018). Finally, ableist language (i.e., crazy, lame, blind, deaf, dumb, etc.) that is used in a general context is a microaggression that perpetuates stereotypes and stigmatization against disabled people (Kattari et al., 2018). These findings are supplemented by Olkin et al. (2019) in their study regarding microaggressions against disabled women. They discovered that some of the most frequent microaggressions experienced by disabled women include downplaying the effects of disability, assumptions that disabled people always need help, praise for doing anything, and denial of equality (Olkin et al., 2019). Disabled women may also be treated as second-class citizens, denied a personal identity other than their disability, deprived of privacy, have their boundaries violated, treated like children or patronized, and desexualized (Olkin et al., 2019).

These attitudes, perceptions, and stigmatizations about disability appear to be particularly salient. In a study examining changes in implicit and explicit attitudes over time, Charlesworth and Banaji (2019) found that rates of change for implicit and explicit attitudes about disability have been relatively stagnant since 2013, with current attitudes remaining below neutrality (Charlesworth and Banaji, 2019). There has been less than a 1% change in attitudes about disability over the last decade (Charlesworth and Banaji,

2019). Based on Charlesworth and Banaji's (2019) model, it is predicted that it will take 150 years for implicit disability attitudes to pass neutrality and become more positive. Shakespeare and Richardson (2018) drew similar conclusions. In their study, disabled participants saw the status of disabled people in society as still being problematic even compared to twenty years ago. Participants expressed feeling that social attitudes about disability have not changed much in the past twenty years, and disabled people are not more accepted today than they were two decades ago (Shakespeare & Richardson, 2018).

Despite these findings, other research indicates that individuals who see disability as a societal construct may hold more positive perceptions regarding disability to a greater extent than others (Barbareschi et al., 2021). These individuals are more likely to understand that disabling interactions are the result of social and situational factors rather than an attribute of ability or limitation (Barbareschi et al., 2021). On a larger scale, communities that hold positive attitudes toward disability were found to have lower levels of stigma and increased acceptance of disability, encouraged support of disabled members of the community, and actively worked towards implementing inclusive practices and policies (Barbareschi et al., 2021). Despite these promising findings, the totality of the current research demonstrates the pervasive nature of negative disability attitudes even amongst individuals who have regular contact and relationships with disabled people. These attitudes may be particularly problematic for disabled women.

### ***Disabled Women***

As stated by Bates et al. (2019), there is a unique position at the intersection of two types of oppression. Individuals who experience multiple forms of oppression, such

as sexism and ableism, are more likely to be victimized (Bates et al., 2019). Disabled women, therefore, may be more likely to become victims of gendered violence (Bates et al., 2019). Disabled women are categorized as at least two distinct but intersecting marginalized groups. While both disability and femininity are subjected to their own stereotypes and stigmas, combined disabled women face unique forms of oppression and disempowerment through multiple isms (Dunn, 2019b; Hughes et al., 2020; Lin & Yang, 2019; MacKeigan, 2021). While studying attitudes toward disabled people, Hunt, Swartz, Rohleder, et al. (2018) found some common terms used to describe and stereotype disabled women. Negative terms included withdrawn, dependent, weak, powerless, insecure, shy, quiet, sad, irritable, aloof, frustrated, short-tempered, unfriendly, angry, sexually undesirable, unattractive, ineligible, asexual, and sterile (Hunt, Swartz, Rohleder, et al., 2018). Although there is some crossover between these descriptors and those for disabled people in general, much of the terminology is distinct to disabled women.

Language is only one area in which stereotypes are specific to disabled women. In examining how young African women in Lesotho experience physical disability, Rafoneke et al. (2018) found that disabled women face additional challenges and multiple forms of discrimination due to their disability, such as exclusion from attending school, building a career, or becoming a wife and mother. At the same time, disabled women are expected to meet societal standards for femininity and beauty, catering to the male gaze despite the general assumption that such beauty ideals are unattainable for these women (Rafoneke et al., 2018). When disabled women fail to meet these expectations, they are

further stigmatized (Rafoneke et al., 2018). Disabled women may be met with stares, scrutiny, fear, hostility, anxiety, and patronization because they do not meet the feminine or able-bodied ideal (Rafoneke et al., 2018). Disabled women may also be considered unattractive, helpless, incapable, and dependent on others, which leads nondisabled people to undermine their agency (Rafoneke et al., 2018). Rafoneke et al. (2018) further found that perceived vulnerability, pathology, and infertility of disabled women may influence able-bodied people to consider them unworthy romantic partners (Rafoneke et al., 2018; Rohleder et al., 2018; Van der Heijden et al., 2019b).

### ***Sexual Citizenship***

Stigma against disabled women marks them as unable, passive, and asexual, which influences their experiences of intimacy and sexuality, including sexual violence (Van der Heijden et al., 2019a). These labels surrounding inability or undeserving related to womanhood come from patriarchal and cultural expectations of women's prescribed gender roles (Van der Heijden et al., 2019a). In patriarchal societies, certain principles are used to inform various aspects of citizenship and the construction of who within society those rights are given and denied (Santos & Santos, 2018). Sexual citizenship, therefore, can be used as a signal of the gendered, sexual, and reproductive aspects of belonging within a given society (Santos & Santos, 2018). As established by the literature, able-bodied people commonly desexualize disabled people, particularly disabled women, imposing the narrative that they are asexual and undesirable, thus denying their sexual agency (Hunt, Swartz, Carew, et al., 2018; Rohleder et al., 2018; Yau, 2019). According to Lin and Yang (2019) as well as Yau (2019) the notions that

disabled people cannot have sex, do not experience sexual attraction, do not have sexual needs, and do not function sexually are pervasive. These stereotypes lead to the infantilization of disabled people, marking them as sexually inadequate and vulnerable (Rafoneke et al., 2018; Van der Heijden et al., 2020; Yau, 2019).

Women have historically endured regulation and scrutiny of their bodies. These effects are further amplified for disabled women (Santos & Santos, 2018). For disabled women, sexuality may be discounted because their bodies do not fit the ideal, so sexual norms are imposed to deny sexual agency due to this perceived difference (Santos & Santos, 2018). Denying sexual agency restricts disabled women's experiences of intimacy, allowing boundaries for sexuality to be established by others (Santos & Santos, 2018). Van der Heijden et al. (2019b) found that, for disabled women in South Africa, societal exclusion and rejection are prevalent and influenced by accepted norms, especially in the context of intimate partnerships. Disabled women may have trouble finding romantic or sexual partners due to stigma, exclusionary beauty standards, and failure to meet gendered expectations (i.e., the ideal wife and mother), but also because of restrictions they may face related to their sexual agency (Van der Heijden et al., 2019b).

There is also danger for disabled women in the relationship between disability, gender, and sexuality due to the assumption that they are childlike and asexual, with their bodies being seen as the property or responsibility of others (Barton, 1993; Garland-Thomas, 2002; Slater et al., 2018). When disabled women are denied sexual agency, others are in control of their bodies and may subject them to medical interventions to stop growth and development, pregnancy, and sexual activity (Edwards, 2008; Slater et al.,

2018). It is a common belief that these measures will prevent disabled women from becoming victims of sexual assault or rape, however, research indicates they may increase the likelihood of sexual violence and abuse (McCarthy, 1998; Roets et al., 2006; Slater et al., 2018). When disabled women are seen as unworthy or unable partners, they may be used or exploited for sex by individuals taking advantage of their vulnerability and lack of sexual agency (Rafoneke et al., 2018).

Because disabled women are devalued and derogated, their vulnerability may be compounded by their limitations and the stereotypes that dehumanize them (Hughes et al., 2020). It may also be assumed that because disabled women do not have romantic or sexual relationships, there is no chance of sexual inappropriateness (Rohleder et al., 2018). However, due to social exclusion and misconceptions about sexual agency, disabled women may be more objectified, easily exploited, and vulnerable to sexual violence (Hughes et al., 2020; Yau, 2019). This vulnerability combined with evidence signifying higher incidents of sexual violence against disabled women indicates a social problem that uniquely affects this population.

### **Juror Decision-Making and Judgments**

It has been theorized that sexual violence is a difficult crime to prosecute (Bohner & Schapansky, 2018). In fact, few cases of sexual violence progress through the justice system and are brought to trial (Beichner & Spohn, 2005). Sexual violence is an all-encompassing term that accounts for the various types of sex crimes, including sexual harassment, sexual assault, and rape (National Institute of Justice, 2010). Definitions of sex crimes and laws regarding the prosecution of such offenses vary by state but typically

involve consent (National Institute of Justice, 2010). According to Mason and Monaghan (2019), consent is a fundamental issue in sexual violence and is consequently at the core of sexual assault trials. Over the last several decades, states have enacted rape shield laws that are meant to protect victims of sexual violence while passing criminal and civil legislation to punish offenders (National Institute of Justice, 2010). Despite these efforts, there is some debate over the effectiveness of these laws (National Institute of Justice, 2010).

In the United States, even when sexual assault cases move to trial, the likelihood of conviction is low (Reaves, 2013). According to Lundrigan et al. (2019), conviction in sexual assault cases may be influenced by a variety of factors related to the perpetrator, victim, and offense. In fact, sexual assault trials are unique in that the victim is examined for fault equally, if not more so, than the perpetrator (Klement et al., 2019). When cases do reach the courtroom, biases may influence the jury (Lundrigan et al., 2019). Jurors may be prejudiced by stereotypical attitudes about what “real rape,” victims and perpetrators are supposed to look like, which may undermine the legal process and prevent justice (Lundrigan et al., 2019).

Although jurors are chosen through a juror selection process, they are not specifically vetted to determine whether they subscribe to any rape myths, just-world beliefs, sexism, ableism, or other schemas (Cossins, 2019). There are juror education programs and judicial instructions that have been put into place to curb such attitudes, but jurors are ultimately free to use preconceptions in their decision-making (Cossins, 2019). A meta-analysis by Leverick (2020) found overwhelming evidence that jurors do bring

false and prejudicial beliefs about sexual violence and victims into their deliberations, and that these attitudes may influence their verdicts.

Additionally, Bohner and Schapanski (2018) found that appraisals of victims may be influenced by extralegal factors. The theater of sexual assault trials has historically encouraged jurors to focus on the complainant's character and behavior (Cossins, 2019). Burgin and Flynn (2021) concluded that laws and legal practices related to sexual violence rely on victim behavior to construct narratives of consent. As such, sexual assault trials may resort to the objectification of women's bodies and sexualization of their conduct to sensationalize experiences of sexual violence and excuse predatory behavior (Burgin and Flynn, 2021). Rather than challenging problematic perspectives, the law allows them to play out in the courtroom in front of jurors (Burgin and Flynn, 2021).

The justice system seeks absolutes and constructs dichotomies such as guilty or not guilty, credible or not credible to determine outcomes in criminal cases (Gore, 2021). When asked to examine the evidence through the lens of reasonable doubt, jurors may have a difficult time unanimously determining an outcome because the standard is seemingly all or nothing (Gore, 2021). In the context of sexual violence, such criteria (i.e., reasonable belief in consent) may be inherently biased in favor of the perpetrator due to the burden of proof (Gore, 2021). Additionally, the ambiguous nature of some sexual assaults and the normalization of schemas and isms that confound decision-making may further obscure the jury fact-finding process (Gore, 2021).

McKimmie et al. (2020) asserted that schemas about sexual violence include those related to the offense itself (called scripts), the victim, the perpetrator (called

stereotypes), and gender (also called stereotypes). These schemas may impact case attrition and verdicts (McKimmie et al., 2020). Observers may use these various schemas and stereotypes to better understand the details of sexual violence cases. In the context of a sexual assault trial, jurors may rely on these and other beliefs (i.e., rape myths, just-world beliefs, etc.) to examine the evidence, determine what happened, and decide on an appropriate outcome (McKimmie et al., 2020).

### ***Jurors and Rape Myths***

In cases of sexual violence, juror decision-making may be influenced by the acceptance and endorsement of rape myths (Belyea & Blais, 2021). Rape myths can threaten the impartiality of jurors because such preconceptions may affect juror perceptions of the crime, perpetrator, and victim (Dinos et al., 2015; Gray & Horvath, 2018). Potential juror schemas may be exploited during trial statements, cross-examination, and rebuttal by tapping into rape myths and other stereotypes in hopes of creating reasonable doubt (Cossins, 2019). In their examination of rape myth use in court, Temkin et al. (2018) found that rape myth use is frequent. All the trials included in the study involved at least one rape myth (Temkin et al., 2018). Rape myths were used to draw upon stereotypes related to what should happen in the case of a “real rape” (i.e., rape scripts), discredit the complainant, and invoke false ideas about the facts of the case to elicit false conclusions (Temkin et al., 2018). In all these cases rape myths were employed as a means of influencing juror decision-making (Temkin et al., 2018).

Pack (2019) also made several important findings when studying the effect of rape myths on juror decision-making in rape cases. Of the four mock juries included in

the study, the women's jury and two mixed (men and women combined) juries found the defendant guilty (Pack, 2019). The men's jury resulted in a hung jury (Pack, 2019). Rape myths played a major part in these outcomes. The women's jury unanimously shut down all rape myths that were presented by moderators during deliberations (Pack, 2019). In comparison, the mixed juries had repeated incidents of rape myths being brought up by individual jurors rather than moderators (Pack, 2019). Although these myths were ultimately shut down, there was some discussion and clear dissent from jurors in these groups (Pack, 2019). By comparison, in the male jury, the conversations overwhelmingly relied on or contained rape myths that were all brought up by jurors (Pack, 2019). Rape myths were brought up continuously and ultimately caused the group to be unable to reach a verdict (Pack, 2019). These findings indicate the pervasiveness of rape myths and their ability to influence the outcomes of jury trials, particularly when rape myth acceptance is more prevalent among group members.

Judgments regarding victim credibility may also be influenced by extralegal factors that tap into existing rape myths (Belyea & Blais, 2021). A study by Pica et al. (2021) examined mock juror perceptions of sexual assault, including rape myths, and the effect these had on verdicts. The rape myths "It wasn't rape," "She wanted it," "She lied," "Rape is trivial," and "Rape is deviant" all predicted guilt ratings (Pica et al., 2021). The more jurors endorsed these myths, the more negatively they viewed the victim and the more positively they viewed the defendant (Pica et al., 2021). Additionally, in mock sexual assault trials, jurors who more highly endorsed these rape myths were more

likely to give a not-guilty verdict and assign lower guilt ratings to the defendant (Pica et al., 2021).

Extralegal information regarding the victim, such as sexual history or relationship with the accused, may also influence perceptions of consent and victim credibility. Nason et al. (2019) demonstrated that higher levels of rape myth acceptance may reduce believability ratings for the victim when information about the relationship, or lack thereof, between the victim and perpetrator is included. These findings lend support to the idea that personal information related to the victim may be used by jurors in their decision-making (Belyea & Blais, 2021; Nason et al., 2019). Additionally, these factors may interact with rape myths to influence judgments (Belyea & Blais, 2021; Nason et al., 2019; Stichman et al., 2019). Breen and Boyce (2021) discovered that post-assault contact between the complainant and defendant may affect attitudes toward the case. Specifically, observers may be biased in situations when a victim maintains contact with the alleged perpetrator post-assault (Breen & Boyce, 2021). It is possible that in this scenario, the victim violated observer schemas for how they should behave, which in turn negatively affects juror judgments (Breen & Boyce, 2021).

When taken together, the results of the current literature suggest that rape myths, specifically those about the complainant and belief in consent, may affect jurors in their role as factfinders in sexual violence cases (Belyea & Blais, 2021). However, the exact mechanisms for how rape myths influence juror judgments may still require additional examination. In their mock jury study, Stichman et al. (2019) found that 65.5% of jurors found the defendant guilty of sexual assault, but many of the jurors who came to a guilty

verdict made comments supportive of rape myths, particularly through victim-blaming (Stichman et al., 2019). Stichman et al. (2019) ultimately concluded that while jurors may engage in victim-blaming, rape myth acceptance alone may not be enough to influence verdicts (Stichman et al., 2019). Rather, the personal attitudes of jurors may interact with evidence and juror instructions in some way that results in a guilty verdict despite the presence of rape myths (Stichman et al., 2019).

### ***Preconceptions and Cognitive Processes***

As discussed, rape culture ideologies, including rape myth acceptance, just-world beliefs, and negative attitudes towards disabled women have the potential to influence juror decision-making and judgments (Belyea & Blais, 2021). Jurors may rely on these and other stereotypes to maintain and reinforce their personal views and implicit beliefs (Ellemers, 2018). Stereotypes guide people to make sense of the world, including other people, by activating specific areas of the brain involved in identification and interpretation (Amodio, 2014; Ellemers, 2018). Judgments about others may be influenced by this selective recall through a process of matching encountered information to stereotypical expectations (Ellemers, 2018).

Findings from a study by Stuart et al. (2019) indicate that jurors may perceive the prosecution's case as stronger if the victim is depicted as stereotypical versus nonstereotypical. This is supported by Klement et al. (2019), who found that negative predispositions toward victims of sexual violence are especially persuasive in individuals who endorse stereotypical beliefs (Klement et al., 2019). In their study, Charlesworth and Banaji (2019) demonstrated that all participants showed a preference for the typically

preferred group both implicitly and explicitly. The strongest implicit and explicit preferences were against disability (Charlesworth & Banaji, 2019). In line with these findings, Hunt, Swartz, Rohleder, et al. (2018) found evidence that stereotypes about disability and femininity may place disabled women at risk of negative attitudes, and these perceptions could influence juror decision-making in sexual violence cases if the victim is a disabled woman. Overall, the literature indicates that juror assumptions about appropriate complainant behavior may be one of the most influential factors in sexual violence case outcomes (Breen & Boyce, 2021).

Another example of this cognitive process is scripting, which was discussed in detail in previous sections. Jurors, like other laypeople, may hold heteronormative scripts that can create bias in the way they interpret evidence during sexual violence trials (Rerick et al., 2019; Stuart et al., 2019). Jury verdicts in sexual violence cases may be reflective of widely accepted social scripts and can be understood in terms of socio-cultural dimensions, social norms, and values about sexuality and sexual violence (Gore, 2021). The pervasiveness of rape myths and gendered sexual scripts may influence jurors to perceive unwanted sexual advances as unremarkable, typical aspects of heterosexual intimacy (Gore, 2021). Findings from the current literature demonstrate that the use of sexual scripts may draw on similar cognitive processes as other stereotypes and schemas (Gore, 2021).

Heuristics may be another possible explanation for the use of selective information in juror decision-making. In ambiguous sexual assault trials that involve evidence of credibility and victim versus perpetrator narratives, observers may use

heuristics in their decision-making (Cossins, 2019). These are essentially cognitive shortcuts about human behavior, including implicit biases such as rape myths, just-world beliefs, sexism, ableism, etcetera (Cossins, 2019). This type of information processing involves little scrutiny of the evidence presented and minimal cognitive effort because the observer relies on generalizations and stereotypes to make subjective evaluations (Cossins, 2019). This method of decision-making is considered unreliable because it employs individual beliefs and experiences that may not be reflective of the evidence or behavior being presented at trial (Cossins, 2019).

Research indicates that, overall, these cognitive processes may be flawed and negatively impact justice outcomes in sexual violence cases (Tinsley et al., 2021). In a meta-analysis regarding juror use of cultural misconceptions in sexual assault trials, Tinsley et al. (2021) found supportive evidence that jurors use preconceptions about sexual violence in their deliberations and decision-making efforts. Further, some responses to the presented evidence showed illegitimate reasoning for judgments that did not meet the standard of proof in the given case (Tinsley et al., 2021). Tinsley et al. (2021) concluded that when jurors are faced with compounding evidence that fosters false assumptions about sexual violence, such as those created by schemas and stereotypes, there may be an effect on juror decision-making (Tinsley et al., 2021).

### **Summary and Conclusions**

Patriarchal societies that value male superiority over women are laden with stereotypes, prejudice, and discrimination against identities that do not conform to the majority or in-group (Ajayi et al., 2022; Banarjee, 2020; Brownmiller, 1975; Burt, 1980a;

Canan et al., 2018; Glick & Fiske, 2002; Lonsway & Fitzgerald, 1994; Santos & Santos, 2018; Van der Heijden et al., 2019a). These biases permeate nearly all aspects of daily life and have the power to influence layperson decision-making and judgments about those who occupy marginalized identities (Banarjee, 2020; Barbareschi et al., 2021; Charlesworth & Banaji, 2019; Shakespeare & Richardson, 2018). Disabled women are an inherently susceptible group because of their intersectional marginalized identity (Dunn, 2019b; Hughes et al., 2020; Lin & Yang, 2019; MacKeigan, 2021). Compounding sexism and ableism may work to make disabled women more vulnerable to negative evaluations and oppression by in-group members, as well as to violence (Hughes et al., 2020; Lin & Yang, 2019; MacKeigan, 2021). Although disabled women experience higher rates of victimization compared to their nondisabled counterparts, they may be perceived poorly as a victim due to their out-group membership (Dawtry et al., 2018; Dunn, 2019a; Li et al., 2018; Strelan & Callisto, 2020). In the context of sexual violence trials, this may translate to juror perceptions of disabled women being unacceptable victims due to preconceptions such as negative disability attitudes, gender stereotypes, rape myth acceptance, and just-world beliefs (Gore, 2021; Hughest et al., 2020; Pack, 2019; Stuart et al., 2019). The result of such schemas may be evidenced by acquittals of the accused and poor ratings of disabled victims (Breen & Boyce, 2021; Follingstad et al., 2021; Hughes et al., 2020; Lundrigan et al., 2019; Lundrigan et al., 2020).

From the literature, it can be ascertained that disabled women are vulnerable to discrimination, oppression, and violence (Basile et al., 2016; Chenoweth, 1996; Kafer, 2013; Lee & Fenge, 2016; Magnabosco & de Souza, 2019). It is also clear that societal

stereotypes, schemas, and biases apply not only to disability and femininity but also victimhood, particularly for those who have been sexually victimized (Ajayi et al., 2022; Angelone et al., 2021; Bates et al., 2019; Burt, 1980a; Dalton et al., 2021). The literature demonstrates the pervasive nature of rape myths and just-world beliefs on how laypeople view victims of sexual assault and rape, as well as how it influences their attributions of blame (Adolfsson et al., 2020; Ayala et al., 2018; Bohner & Schapansky, 2018; Culda et al., 2018; Dawtry et al., 2019; Hetzel-Riggin et al., 2021; Hughes et al., 2020; Klement et al., 2019; Li et al., 2018; Milesi et al., 2020; Persson & Dhingra, 2020; Pincotti & Orcutt, 2021; Stuart et al., 2019; Zidenberg et al., 2021). What is currently unknown is how these schemas may influence layperson decision-making about sexual violence committed against disabled women. Additionally, it is not well known how such preconceptions may ultimately affect jury verdicts in sexual violence trials.

Although there is a plethora of research related to these themes individually, there are only a few studies that specifically study the influence of disability on juror decision-making. The studies that do exist are also fairly limited in that they have only examined effects related to the disability itself and dichotomous outcomes in a mock trial scenario (Dalton et al., 2021; Hughes et al., 2020). Prior to this study, there were none that examined preconceptions that may influence verdicts in sexual violence trials with disabled women victims. This study attempted to address this gap and add to the existing knowledge on the influence of disability attitudes, gender stereotypes, rape myth acceptance, and just-world beliefs in such cases. This was achieved by examining the effect of not only victim disability, but also the influence of juror preconceptions related

to common rape-related schemas on verdicts using an experimental jury simulation. In Chapter 3, I present the research design and methodology for this study.

## Chapter 3: Research Method

### **Introduction**

The purpose of this study was to examine how juror preconceptions may impact verdicts in cases involving sexual assault or rape when comparing disabled female victims to those without disabilities. More specifically, the purpose was to determine the extent to which rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes are related to juror judgments of guilt or innocence against the perpetrator in sexual violence cases involving disabled female complainants.

This chapter will include several major sections. First is an overview of the research design and rationale for the design, which will present the study variables, connection between the research design and research questions, possible time and resource constraints, and consistency of the design with advancing knowledge in the discipline. Next, the methodology section will lay out the target population and size; sampling method and procedures; procedures for recruitment, participation, and data collection; instrumentation and operationalization of constructs; information regarding manipulation of independent variables; and data analysis plan. In the subsequent section regarding threats to validity, threats to external and internal validity of the experimental design will be discussed, as well as ethical procedures of the study. Finally, the chapter will be closed with a summary of the method of inquiry for this study.

## **Research Design and Rationale**

### **Variables**

The variables in this study included juror judgments, victim disability, rape myth acceptance, just-world beliefs, gender stereotypes or sexism, and disability attitudes. Juror judgments is a nominal variable with dichotomous responses indicating a guilty or not-guilty verdict. Victim disability is a nominal variable with dichotomous responses indicating the presence or absence of victim disability. Rape myth acceptance is a continuous variable with responses coded as rape myth acceptance scores as measured by the Illinois Rape Myth Acceptance Short-Form (IRMA-SF) Scale (Lonsway, 1999). Just-world belief is a continuous variable with responses coded as just-world beliefs score as measured by the Just World Belief Scale (Vonderhaar & Carmody, 2015a). Gender stereotypes is a continuous variable with responses coded as gender stereotype score as measured by the Sex Role Stereotyping Scale (Burt, 1980b). Disability attitudes is a continuous variable with responses coded as attitudinal scores as measured by the Multidimensional Attitudes Scale (MAS) Toward Persons With Disabilities (Findler et al., 2007a).

### **Research Design**

This study used a quantitative, experimental design to understand the effects of juror preconceptions on judgments in sexual violence cases involving disabled female complainants. Specifically, this was a mock jury study, also referred to as a jury simulation study, that utilized a fictional vignette, written juror instructions, and an online survey to measure rape myth acceptance, just-world beliefs, gender stereotypes, and

disability attitudes, as well as the extent to which victim disability accounts for differences in these preconceptions and juror judgments. Participants were randomly assigned to conditions based on victim disability status as described by the fictional vignette.

### **Time and Resource Constraints**

Every research method has advantages and disadvantages. The main constraints of jury simulation studies relate to creating trial materials (i.e., trial documents, vignettes, jury instructions, surveys and/or instruments, etc.) and mirroring trial procedures in a mock trial format (Bray & Kerr, 1979; Diamond, 1997). Developing materials and imparting some level of realism into a jury simulation can be time-consuming and expensive depending on the specific materials and processes used (Diamond, 1997). Despite these constraints, jury simulation offers many advantages over other forms of psycholegal research methods. Jury simulations can be cost-effective and easy to conduct compared to other designs, with fewer ethical and logistical challenges as this method does not involve studying actual trials or jurors (Bornstein, 2017; Bornstein et al., 2017). Using a mock trial format allows research to be conducted over a relatively short period of time while leveraging technological advancements to minimize cost, foster a sense of realism, and promote study participation (Bornstein, 1999, 2017; Wiener et al., 2011). More specifically, this design allows researchers to obtain a representative sample from a larger pool of potential participants relatively quickly using online subject pools, with many platforms also distributing study materials while maintaining experimental controls (Bornstein, 1999, 2017; Wiener et al., 2011).

### **Design Choice Rationale**

Because the goal of this study was to examine juror perceptions and decision-making, a mock jury design was appropriate for several reasons. In mock jury studies, the use of the described quantitative methodology allows for the inclusion of realistic stimuli, experimental simulation, group comparison, and statistical techniques to analyze relationships between variables, which were aligned with the purpose of this study (Bornstein, 1999; Gerbasi et al., 1977; Wiener et al., 2011). Jury simulations preserve experimental control while testing specific psychological theories, which affords high internal validity and the ability to make causal inferences between constructs (Bornstein, 1999, 2017; Bornstein et al., 2017; Gerbasi et al., 1977; Wiener et al., 2011).

Experimental simulation is the only method of jury study that allows researchers to make reliable and powerful statistical inferences when testing causal hypotheses (Bornstein, 2017; Wiener et al., 2011). This is important because there are many extralegal factors that may influence a juror's verdict (McMahon & Fehr, 1984). Jury simulations also provide the opportunity to examine the effect of variables on juror verdicts (outcomes) and the effect of certain variables on jurors' reasoning (processes) in reaching that verdict (Bornstein, 2017; Bornstein et al., 2017). Through this study, I attempted to investigate both juror outcomes and processes, further justifying the use of a jury simulation design. Finally, the outcomes of jury simulation studies have the potential to make theoretical and practical contributions to the discipline due to their ability to draw such inferences (Bornstein, 2017; Bornstein et al., 2017).

## **Methodology**

### **Population**

The target population was U.S. adults age 18 and older who may be eligible for jury duty. According to the U.S. Census Bureau (2019), in 2019 roughly 77.7% of the U.S. population were adults, or 255,200,373 million people. However, it is estimated that only about 0.8% of the adult population will be impaneled as jurors across the U.S. annually (Mize et al., 2007). Therefore, the target population size was approximately 2 million.

### **Sampling and Sampling Procedures**

This study used a nonprobabilistic, convenience sampling method. The sample was drawn from the general adult (over the age of 18) U.S. population. This sampling method was appropriate for this study as it mirrors the juror selection process in the United States, wherein jurors are selected based on availability and eligibility for jury duty from the target population (U.S. Courts, n.d.-b). Convenience sampling allowed for easier and more efficient recruitment of participants and data collection, but generalization of results may not be appropriate as the sample may not be representative of the population (Farrokhi & Mahmoudi-Hamidabad, 2012).

To conduct a power analysis, G\*Power 3.1.9.6 was used along with conventional values for effect size, alpha level, and power level. G\*Power is a readily available, free-access, and easy-to-use tool for conducting precise statistical analyses (Faul et al., 2007; Faul et al., 2009). It is considered an effective and efficient tool for conducting a priori power analyses to determine sample size (Faul et al., 2007; Faul et al., 2009). For this

analysis, a standard 80% power level was used along with a significance of .05, a large effect size (odds ratio of 2.33), and a two-tailed test. With these criteria, the minimum total sample size needed to conduct the analyses for the study was 190 participants (see Figure 1).

### Figure 1

#### *G\*Power Power Analysis*

#### **z tests** - Logistic regression

**Options:** Large sample z-Test, Demidenko (2007) with var corr

**Analysis:** A priori: Compute required sample size

<b>Input:</b>	Tail(s)	=	Two
	Odds ratio	=	2.333333
	Pr(Y=1 X=1) H0	=	0.3
	$\alpha$ err prob	=	0.05
	Power (1- $\beta$ err prob)	=	0.8
	R <sup>2</sup> other X	=	0
	X distribution	=	Binomial
	X parm $\pi$	=	0.5
<b>Output:</b>	Critical z	=	1.9599640
	Total sample size	=	190
	Actual power	=	0.8017291

### Procedures for Recruitment, Participation, and Data Collection

To ensure confidentiality and protect the anonymity of each participant, recruitment of participants was conducted using SurveyMonkey Audience. No identifiable information was collected. Participants were provided with an informed consent form on the first page of the online survey where data were subsequently collected using a fictional vignette (Appendix E and F), juror instructions (Appendix G), and attitudinal scales (Appendices A, B, C, and D). Participants were then asked to

provide their final judgment of the defendant and immediately exited the study, with no follow-up requirements.

### **Instrumentation and Operationalization of Constructs**

All instruments were administered as part of an online survey completed by participants. Additionally, all instruments were available for educational research purposes without seeking written permission from the developer (see Appendices A, B, C, and D).

#### ***Illinois Rape Myth Acceptance Short-Form Scale***

The Illinois Rape Myth Acceptance Short-Form (IRMA-SF) Scale was developed by Kimberly Lonsway in 1999. It was appropriate for this study because it is meant to assess the acceptance of rape myths and scores provide a rating as to the respondent's level of rape myth acceptance. The IRMA-SF has been previously used with a sample of undergraduate students (160 women, 142 men) with a mean age of 18.9 years (Payne et al., 1999). The instrument was found to be both reliable and valid ( $\alpha = .87$ ; Payne et al., 1999).

#### ***Just-World Belief Scale***

The Just-World Belief Scale was developed by Rebecca Vonderhaar and Dianne Carmody in 2015. It was an appropriate instrument for this study because it was developed in the context of the relationship between sexual violence victimization, belief in a just world, and rape myth acceptance (Vonderhaar & Carmody, 2015a). The initial study of the instrument used a sample of college students (Vonderhaar & Carmody, 2015b). The majority of participants were female (62.1%) and White (58%), but this

instrument was also studied with males, different ethnicities, and ages ranging from 17 to 56 (Vonderhaar & Carmody, 2015b). The study resulted in good reliability and validity ( $\alpha = .787$ ; Vonderhaar & Carmody, 2015b).

### ***Sex Role Stereotyping Scale***

The Sex Role Stereotyping Scale was developed by Martha Burt in 1980. It was an appropriate instrument for this study because it can be used to measure sex-role stereotypes as they apply to attitudes about sexual violence (Burt, 1980b). The instrument was studied in U.S. adults with a majority female (60%) sample (Burt, 1980a). Participants were ages 18 and older, with a mean age of 42 and an average education level of 12.8 years (Burt, 1980a). Participants came from a range of socioeconomic backgrounds (Burt, 1980a). Results indicated good reliability and validity for the overall scale ( $\alpha = .80$ ; Burt, 1980b).

### ***Multidimensional Attitudes Scale Toward Persons With Disabilities***

The Multidimensional Attitudes Scale (MAS) Toward Persons With Disabilities was developed by Liora Findler, Noa Vilchinsky, and Shirli Werner in 2007. It was appropriate for this study because it measures attitudes toward individuals with disabilities on dimensions of affect, cognition, and behavior (Findler et al., 2007a). The initial study included a sample of nondisabled Jewish Israelis, both male (51.9%) and female (48.1%; Findler et al., 2007b). The majority of participants were college students (Findler et al., 2007b). Study results showed reliability and validity ( $\alpha = .87$ ; Findler et al., 2007b).

### ***Vignette, Juror Instructions, and Verdict***

In addition to the instruments outlined above, this study included several materials that I developed as the researcher. The first was a written vignette depicting a fictional sexual assault case described as being at the trial stage. Participants were also given written juror instructions that simulated current juror instructions used at criminal sexual violence trials in the United States (U.S. Courts, n.d.-a). Finally, participants were asked to make an individual determination of guilt or innocence according to the juror instructions against the alleged perpetrator described in the vignette (U.S. Courts, 2019). None of these materials had been previously published or studied with other populations.

### **Manipulation of Independent Variables**

The independent variable being manipulated in this study was victim disability. This variable was manipulated in RQ1 and RQ2 to examine the effect of victim disability on juror preconceptions and judgments against the alleged perpetrator. The material that was manipulated as part of this experimental study was the above-described vignette. All participants were asked to review the vignette, with half of the participants receiving a version involving a disabled victim and the other half receiving a version involving a nondisabled victim. Participants were randomly assigned to the different conditions.

### **Operationalization**

Table 2 describes the variables of this study. As previously noted, the variables in this study included juror judgments, victim disability, rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. Juror judgments was a nominal dependent variable. Victim disability was a nominal independent variable. Rape myth

acceptance, just-world beliefs, gender stereotypes, and disability attitudes were all continuous variables with levels determined by the calculated attitudinal score from the respective instruments. These variables were dependent variables in RQ2 and independent variables in RQ3.

**Table 2**

*Measurement Levels and Operational Definition of Variables*

Variables	Variable type	Levels of measurement	Label	Levels
Juror judgments	Dependent variable	Nominal	Jury verdict	Guilty Not guilty
Victim disability	Independent variable	Nominal	Presence of victim disability	Disabled Not disabled
Rape myth acceptance	Dependent variable (RQ2) Independent variable (RQ3)	Continuous	Level of rape myth acceptance	18–126 (low to high)
Just-world beliefs	Dependent variable (RQ2) Independent variable (RQ3)	Continuous	Level of just-world belief acceptance	15–90 (low to high)
Gender stereotypes	Dependent variable (RQ2) Independent variable (RQ3)	Continuous	Level of gender stereotype endorsement	26–182 (low to high)
Disability attitudes	Dependent variable (RQ2) Independent variable (RQ3)	Continuous	Level of negative disability attitudes	34–170 (low to high)

The Illinois Rape Myth Acceptance Short-Form Scale measures rape myth acceptance with 19 items and seven subscales, including the following: she asked for it; it was not really rape; he did not mean to; she wanted it; she lied; rape is a trivial event; and

rape is a deviant event. Each item is rated using a 7-point Likert scale response, where 1 = *not at all agree* and 7 = *very much agree* (Lonsway, 1999). The Just-World Belief Scale measures level of just-world belief acceptance with 15 items being rated on a 6-point Likert-type scale of agreement, with 1 = *strongly disagree* and 6 = *strongly agree* (Vonderhaar & Carmody, 2015a). The Sex Role Stereotyping Scale measures sex role stereotypes with nine items measured using a 7-point Likert-type scale of agreement, with 1 = *strongly disagree* and 7 = *strongly agree* (Burt, 1980b). Lastly, the Multidimensional Attitudes Scale Toward Persons With Disabilities measures the level of negative attitudes a person holds towards individuals with disabilities with 34 items measured using a 5-point scale of 1 = *not at all* and 5 = *very much* (Findler et al., 2007a). For all instruments, points for each item were added up to calculate the total score (including items that were reverse scored), with higher total scores indicating a higher level of endorsement.

### **Data Analysis Plan**

The software used for analysis was IBM SPSS Statistics v.27 for Mac. Once data was received, it was secured on a password-protected computer. Prior to conducting the data analysis, data was screened and cleaned. Responses were removed if the respondent did not meet the inclusionary criteria or complete all questions.

### ***Research Questions***

The research questions and hypotheses of this study were as follows:

RQ1 – To what extent does victim disability account for differences in juror judgments (guilt or innocence of the perpetrator) in sexual violence cases?

H<sub>0</sub>1: Victim disability status does not account for differences in juror judgments.

H<sub>a</sub>1: Victim disability status does account for differences in juror judgments.

RQ2 – To what extent does victim disability account for differences in juror rape myth acceptance, beliefs in a just world, gender stereotypes, and disability attitudes in sexual violence cases?

H<sub>0</sub>2: Victim disability status does not account for differences in juror acceptance of rape myth acceptance, beliefs in a just world, and/or gender stereotypes.

H<sub>a</sub>2: Victim disability status does account for differences in juror acceptance of rape myth acceptance, beliefs in a just world, and/or gender stereotypes.

RQ3 – For participants given the vignette depicting disability, to what extent do rape myths, just-world beliefs, gender stereotypes, and disability attitudes relate to juror judgments (guilt or innocence of the perpetrator) in sexual violence cases involving disabled female complainants?

H<sub>0</sub>3: The model is not a predictor of juror judgments.

H<sub>a</sub>3: The model is a predictor of juror judgments.

### ***Statistical Analysis***

To test the hypotheses of RQ1 and RQ3, binomial logistic regression was used. Binomial logistic regression was appropriate to answer these questions for several reasons. First being that both the dependent and independent variables in RQ1 were dichotomous and in RQ3 the dependent variable was continuous and there were four continuous independent variables (Frankfort-Nachmias & Leon-Guerrero, 2018; Laerd Statistics, n.d.-a; Warner, 2013). Second, this method of analysis allowed for the

probability of being in a particular category of the dependent variable given the independent variable (Frankfort-Nachmias & Leon-Guerrero, 2018; Laerd Statistics, n.d.-a; Warner, 2013). In this case, RQ1 was attempting to determine the probability that the alleged perpetrator would be found guilty depending on victim disability status, and RQ3 was attempting to determine whether levels of rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes can predict juror verdicts in sexual violence cases involving disabled female complainants. This was an appropriate method of analysis given the purposes of the research questions (Frankfort-Nachmias & Leon-Guerrero, 2018; Laerd Statistics, n.d.-a; Warner, 2013).

To test the hypotheses of RQ2, a Hotelling's *T*-squared analysis was performed. This was an appropriate statistical analysis because this question was attempting to determine whether levels of rape myth acceptance, beliefs in a just world, gender stereotypes, and disability attitudes in sexual violence cases differ based on victim disability status, which has two groups: disabled and nondisabled (Frankfort-Nachmias & Leon-Guerrero, 2018; Laerd Statistics, n.d.c; Warner, 2013). There were four dependent variables all measured at the continuous level, with one independent variable that consisted of two categorical, independent groups (disabled vs. nondisabled).

In addition to the statistical analyses discussed above, descriptive statistics were also presented to describe, display, and summarize the data and findings. Presenting the descriptive statistics allowed for visualization of the data in a meaningful way, clearer interpretation of the findings, and demonstration of any patterns associated with the

variables of this study (Frankfort-Nachmias & Leon-Guerrero, 2018; Laerd Statistics, n.d.-b; Warner, 2013).

### **Threats to Validity**

In jury research, there are several methodological characteristics that may reduce validity of results. For this study, the primary threats to validity to consider included juror sampling, trial simulation and medium, and deliberation (Bornstein, 1999; Diamond, 1997; Keller & Wiener, 2011; Wiener et al., 2011). These concerns were relevant to external and construct validity, but the experimental nature of the study also may affect internal validity.

### **External Validity**

As described by Bornstein et al. (2017) and Wiener et al. (2011), external validity is the ability to generalize research findings beyond the scope of the original study to the population of interest. In jury simulation studies, one threat to external validity is obtaining a sample that is representative of the typical jury (Diamond, 1997; Wiener et al., 2011). Many jury studies use only students as their sample, which can threaten the ability to generalize results to other samples (Wiener et al., 2011). However, the sample for this study will likely be more comparable to the typical juror pool as the criteria include all adults in the U.S. rather than only a specific sector of the population that may be eligible jurors. Threats to external validity may also occur if inadequate trial simulation and mediums are used. To avoid this issue, all materials and simulations should be as realistic as possible, mimicking trial materials and instructions, and applied to the simulation in a manner that mirrors a real-life trial format (Diamond, 1997).

**Internal Validity**

According to Creswell (2009), threats to internal validity are aspects of the methodology that affect the ability to draw reliable inferences from the data about the population being studied. In this study, the main concern regarding internal validity will be whether the observed effects are due solely to the experimental manipulation and if these findings are generalizable to actual juries (Bornstein, 2017). More specifically, in this study diffusion was the most likely threat to internal validity because there will be two experimental groups (Creswell, 2009). As this study obtained data through an anonymous online survey, no participants interacted with one another thus preventing communication between groups and maintaining the integrity of the experimental manipulation (Creswell, 2009).

**Construct Validity**

Construct validity is focused on the extent that research measures and manipulations can be generalized beyond the social and psychological conditions they intend to represent (Wiener et al., 2011). As this was a jury simulation study, conditions were meant to be representative of the juror experience and it was hoped that the findings would translate to the social and psychological reality of jurors. One of the threats to construct validity in such studies is whether the experimental nature of the research design adequately replicates the essential elements of the law that allow generalizations about juror decision-making (Wiener et al., 2011). An example of this would be lack of deliberation. This study asked participants to make individual judgments of guilt rather than a group consensus gained through deliberation. This differs from the actual jury

experience, so we are left with the following question: How much can the results be generalized from individual decisions in an experimental simulation as opposed to those that involve deliberation? While there is some evidence that deliberations may produce experimental verdicts more consistent with legal norms, the research is limited (Diamond, 1997). Other research has found that deliberations may play a minor role in juror decision-making as many jurors determine their individual judgments before group discussion begins (Diamond, 1997). Furthermore, another study found that individual juror decisions may equally generalize to actual juries (Kalven & Zeisel, 1971). At this time, the impact of deliberation on generalizability is not strong enough to necessitate inclusion in this study.

### **Ethical Procedures**

Due to the nature of this study and the involvement of human participants, it was important to maintain ethical treatment of participants as well as ethical data collection and data treatment throughout the study. All data collected in this study was anonymous. As previously described, no demographic or identifiable information was collected to protect participant anonymity. All information is stored on a password-protected computer and will be destroyed 5 years after completing the study.

### **Treatment of Human Participants**

According to the American Psychological Association (2017) Ethical Principles of Psychologists and Code of Conduct, Section 8: Research and Publication, during recruitment of participants and data collection, informed consent should be obtained from all participants, excessive or inappropriate incentives for participation should be avoided,

and unnecessary or harmful deception of participants should also be avoided. Informed consent was obtained at the outset of participation in the study as part of the online survey. Lastly, no deception was used as part of this study. Although the study was experimental, the nature of the study was disclosed to participants (American Psychological Association, 2017).

### **Other Ethical Considerations**

Jury studies may involve examination of difficult or sensitive topics, with the added issue of complicated legal procedures and jargon. For these reasons, such studies may inherently involve some concerns related to human participation, particularly those that involve group interaction or deliberation. Typically, participants in jury simulations may encounter problems related to communication, coping with minority opinions, factions within deliberation, and difficulty in the negotiation of facts, evidence, witnesses, testimony, and credibility (Robertshaw, 1998). Mock jurors, like typical jurors, may also experience fatigue and stress related to their participation on a jury (Robertshaw, 1998).

In this study, some of these concerns are not relevant because there was no deliberation, but there are other factors that should be considered in order to conduct an ethical study. Because the study did not involve deliberation, there may have been more individualized concerns regarding participants such as comprehension of instructions and information, construction and evaluation of presented facts, memory retrieval, and aversion or sympathy to the defendant (Robertshaw, 1998). These issues may have been compounded by the topics of this study, which could have been triggering for some

participants. However, the materials used were not reasonably expected to cause severe emotional distress. Additionally, participants were free to exit the study at any time, including for incidents of distress.

### **Summary**

Chapter 3 presented the methodology for this jury simulation study to examine the effect of juror preconceptions on verdicts in sexual violence cases involving disabled female victims. In this chapter, I described the research design, population and sampling procedures, data collection procedures, and data analysis plan. The experimental design, instrumentation, manipulation of variables, and operationalization of variables were presented. Possible threats to external, internal, and construct validity were also discussed. Finally, potential ethical concerns related to this study were explored. In Chapter 4, I will present the results and findings of this study.

## Chapter 4: Results

### Introduction

The purpose of this study was to better understand the influence of juror preconceptions on verdicts in sexual violence cases when comparing disabled versus nondisabled victims, specifically, the extent to which rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes are related to juror judgments against the alleged perpetrator in such cases. The following research questions and hypotheses were used in this study:

RQ1 – To what extent does victim disability (nominal independent variable) account for differences in juror judgments (guilt or innocence of the perpetrator; nominal dependent variable) in sexual violence cases?

H<sub>0</sub>1: Victim disability status does not account for differences in juror judgments.

H<sub>a</sub>1: Victim disability status does account for differences in juror judgments.

RQ2 – To what extent does victim disability (nominal independent variable) account for differences in juror rape myth acceptance (continuous dependent variable), beliefs in a just world (continuous dependent variable), gender stereotypes (continuous dependent variable), and disability attitudes (continuous dependent variable) in sexual violence cases?

H<sub>0</sub>2: Victim disability status does not account for differences in juror acceptance of rape myth acceptance, beliefs in a just world, and/or gender stereotypes.

H<sub>a</sub>2: Victim disability status does account for differences in juror acceptance of rape myth acceptance, beliefs in a just world, and/or gender stereotypes.

RQ3 – For participants given the vignette depicting disability, to what extent do rape myths (continuous independent variable), just-world beliefs (continuous independent variable), gender stereotypes (continuous independent variable), and disability attitudes (continuous independent variable) relate to juror judgments (guilt or innocence of the perpetrator; nominal dependent variable) in sexual violence cases involving disabled female complainants?

H<sub>0</sub>3: The model is not a predictor of juror judgments.

H<sub>a</sub>3: The model is a predictor of juror judgments.

This chapter provides an overview of the results of this study in several sections. First is an overview of the data collection process, including the time frame, recruitment, and response rates, as well as any discrepancies in data collection from the plan presented in the previous chapter. In this section, I will also report baseline descriptive and demographic characteristics of participants and discuss the proportionality of the sample to the larger population. Next, the results of the study will be presented, including descriptive statistics, statistical assumptions, and statistical analysis findings. Lastly, a summary of the answers to research questions will close out the chapter.

### **Data Collection**

Data collection was conducted using SurveyMonkey Audience, which guaranteed results within 24 hours. Actual recruitment took place over a 7-hour period, with 312 total responses, 304 of which were complete responses. The original goal for the sample size was 190 participants, so the final sample was nearly 60% larger than anticipated.

SurveyMonkey reported basic descriptive and demographic characteristics used for inclusion criteria for the sample (see Table 3).

**Table 3**

*Demographic Characteristics of Sample*

		Percent	<i>n</i>
Age	45–60	29.28%	89
	30–44	27.63%	84
	18–29	25.33%	77
	60 or older	17.76%	54
Gender	Women	66.12%	201
	Men	31.58%	96
	Nonbinary	1.32%	4
	Preferred not to answer	0.99%	3
Disability	Nondisabled	75.33%	229
	Disabled	24.67%	75

According to the U.S. Census Bureau, as of July 2022, the majority of the U.S. population was between the ages of 18–64 (61%) and 16.8% of the population was age 65 and older (U.S. Census Bureau, 2022). Additionally, women made up 50.5% of the population compared to men (49.5%; U.S. Census Bureau, 2022). It is also estimated that roughly 26% of the population has some type of disability, meaning that approximately 74% do not (Centers for Disease Control and Prevention, 2022). Based on these data, the sample was fairly proportional to the larger population, although the ratio of women to men was slightly higher than the national average.

## Results

### Research Question 1

The purpose of the first research question was to assess the extent to which victim disability accounted for differences in verdicts and the probability that jurors would reach

a guilty verdict based on victim disability status. Binomial logistic regression was performed, and results indicated that the logistic regression model was statistically significant,  $\chi^2(1) = 4.830$ ,  $p = .028$  (Table 5). The model explained 2.2% (Nagelkerke  $R^2$ ) of the variance in mock juror verdicts and correctly classified 67.1% of verdicts. For the disabled victim scenario, a guilty verdict was reached by 72.9% of mock jurors, and for the nondisabled victim scenario, a guilty verdict was reached by 61.1% of mock jurors (Table 4). When comparing disabled victims to nondisabled victims, the odds of mock jurors reaching a guilty verdict are 1.7 times the odds of a guilty verdict being reached in cases involving nondisabled victims (Tables 4 and 6).

**Table 4**

*Victim Disability Status \* Verdict Crosstabulation*

			Verdict		
			Guilty	Not guilty	Total
Victim disability status	Disabled victim	Count	113	42	155
		% within victim disability status	72.9%	27.1%	100.0%
	Nondisabled victim	Count	91	58	149
		% within victim disability status	61.1%	38.9%	100.0%
Total		Count	204	100	304
		% within victim disability status	67.1%	32.9%	100.0%

**Table 5***Chi-Square Tests of Verdict Variance and Classification*

	Value	df	Asymptotic significance (2-sided)	Exact sig. (2-sided)	Exact sig. (1-sided)
Pearson chi-square	4.816 <sup>a</sup>	1	.028		
Continuity correction <sup>b</sup>	4.295	1	.038		
Likelihood ratio	4.830	1	.028		
Fisher's exact test				.038	.019
Linear-by-linear association	4.800	1	.028		
N of valid cases	304				

<sup>a</sup> 0 cells (.0%) have expected count less than 5. The minimum expected count is 49.01. <sup>b</sup>

Computed only for a 2x2 table.

**Table 6***Odds Ratio for Victim Disability and Verdict*

	Value	95% confidence interval	
		Lower	Upper
Odds ratio for victim disability status (Disabled victim / Nondisabled victim)	1.715	1.057	2.781
For cohort verdict = Guilty	1.194	1.017	1.401
For cohort verdict = Not guilty	.696	.502	.966
N of valid cases	304		

This research question attempted to determine the extent that victim disability accounted for differences in juror judgments in sexual violence cases. The null hypothesis was that victim disability status does not account for differences in juror judgments. The alternative hypothesis was that victim disability status does account for differences in juror judgments. Results indicated that the model was statistically

significantly predictive ( $p < .05$ ); therefore, the null hypothesis was rejected, and the alternative hypothesis was accepted.

### **Research Question 2**

The second research question examined the extent to which victim disability accounted for differences in juror rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. Hotelling's  $T^2$  was run to determine the effect of victim disability status on juror perceptions. Four measures of juror perceptions were assessed: rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. Victim disability status was divided into two groups: disabled and nondisabled. Preliminary assumption checking revealed that data were not normally distributed, as assessed by Shapiro-Wilk test ( $p < .05$ ). However, Hotelling's  $T^2$  is fairly robust to deviations from normality with respect to Type I error, so the analysis was run despite the presence of abnormal distribution (Bray & Maxwell, 1985). This is in line with other research because multivariate analyses of variance (MANOVAs; i.e., Hotelling's  $T^2$ ) are often performed even if the data are not normal due to a consensus that MANOVA is resilient to nonnormality (Weinfurt, 1995).

Assessment of box plot and Mahalanobis distance ( $p > .001$ ) revealed univariate and multivariate outliers, respectively. To determine the effect of the outliers on the results, Hotelling's  $T^2$  was run with and without the outliers included in the analysis. For the analysis without outliers, the most extreme outliers were removed from the dataset, then box plot and Mahalanobis distance were reassessed until no more outliers remained. Results from both tests were compared to determine whether the two differed sufficiently

for different conclusions to be drawn from the data. Ultimately, the results for both tests were essentially the same, so both the univariate and multivariate outliers were kept in the data. There were linear relationships, as assessed by scatterplot; no multicollinearity ( $|r| < .9$ ); there was homogeneity of variance-covariance matrices, as assessed by Box's M test ( $p = .231$ ); and there was homogeneity of variances, as assessed by Levene's test of homogeneity of variance ( $p > .05$ ).

After testing the variables together, results of the Hotelling's  $T^2$  showed that there was no statistically significant difference between victim disability status on the combined dependent variables,  $F(4, 299) = .875, p = .479$ ; Wilks'  $\Lambda = .988$ ; partial  $\eta^2 = .012$ . Means for both groups were similar on all four measures (Table 4.5). Independent  $t$  tests were also run for rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes scores against victim disability status. None of these measures reached statistical significance between disabled and nondisabled victims (Table 7).

**Table 7***Mean Attitudinal Scores of Mock Jurors in Cases With Disabled Versus Nondisabled**Victims*

	Victim disability status	Std.		<i>N</i>	<i>t</i>	<i>p</i>
		Mean	deviation			
IRMA-SF rape myth acceptance score	Disabled victim	47.6968	22.70144	155		
	Nondisabled victim	50.0604	23.40542	149		
	Total	48.8553	23.04148	304	-.894	.372
JWBS just-world beliefs score	Disabled victim	53.8645	11.74738	155		
	Nondisabled victim	53.2819	12.01299	149		
	Total	53.5789	11.86226	304	.428	.669
SRSS sex role stereotypes (gender stereotypes) score	Disabled victim	31.6581	9.50696	155		
	Nondisabled victim	31.2819	9.85166	149		
	Total	31.4737	9.66327	304	.339	.735
MAS disability attitudes score	Disabled victim	97.3806	20.27803	155		
	Nondisabled victim	96.8591	20.26814	149		
	Total	97.1250	20.24139	304	.224	.823

This research question attempted to determine the extent that victim disability accounted for differences in juror rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. These measures were taken after participants reviewed the vignette and juror instructions but before making a verdict. The null hypothesis was that victim disability status would not account for differences in these measures. The alternative hypothesis was that victim disability status would account for differences in these measures. The combined group means were not statistically significant different ( $p > .05$ ); therefore, the null hypothesis was not rejected.

### Research Question 3

The final research question sought to determine the effects of rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes on the likelihood that mock jurors would arrive at a guilty verdict in sexual violence cases where the victim was disabled, and if these preconceptions could predict juror verdicts. To answer this question, binomial logistic regression analysis was conducted only looking at responses from the group given the vignette depicting a disabled victim. This was accomplished by splitting the file in SPSS based on the variable *victimdisability*.

All continuous independent variables were found to be linearly related to the logit of the dependent variable, and there were no significant outliers. The logistic regression model was statistically significant,  $\chi^2(4) = 16.51, p = .002$ . The model explained 14.7% (Nagelkerke  $R^2$ ) of the variance in juror verdicts and correctly classified 74.8% of cases. Sensitivity was 95.6%, specificity was 19.0%, positive predictive value was 76.1%, and negative predictive value was 61.5%. Specifically, in cases where the victim was disabled, higher levels of rape myth acceptance decreased the likelihood of a guilty verdict 0.96 times, whereas higher levels of just-world beliefs increased the likelihood of a guilty verdict 1.02 times, negative gender stereotypes 1.00 times, and negative disability attitudes 1.05 times (Table 8). Of these four measures, only rape myth acceptance ( $p = .001$ ) and disability attitudes ( $p = .006$ ) reached statistical significance (Table 8).

**Table 8**

*Logistic Regression Predicting Likelihood of Guilty Verdict based on IRMA, JWBS, SRSS, and MAS Scores <sup>a</sup>*

	B	SE	Wald	df	Sig.	Odds ratio	95% CI for odds ratio	
							Lower	Upper
IRMA	-.054	.016	10.929	1	.001	.948	.918	.978
JWBS	.017	.023	.566	1	.452	1.017	.973	1.064
SRSS	.005	.034	.021	1	.884	1.005	.940	1.075
MAS	.044	.016	7.557	1	.006	1.045	1.013	1.078
Constant	-1.644	1.247	1.738	1	.187	.193		

<sup>a</sup> Victim disability status = Disabled victim. <sup>b</sup> Illinois Rape Myth Acceptance Scale

(IRMA), Just-World Beliefs Scale (JWBS), Sex Role Stereotypes Scale (SRSS), and Multidimensional Attitudes Scale Toward Persons With Disabilities (MAS).

This research question attempted to determine the extent that rape myths, just-world beliefs, gender stereotypes, and disability attitudes relate to juror judgments and if these preconceptions could predict juror verdicts. The null hypothesis was that the model would not be a predictor of juror judgments. The alternative hypothesis was that the model would be a predictor of juror judgments. Results indicated that the model was statistically significantly predictive ( $p < .05$ ); therefore, the null hypothesis was rejected, and the alternative hypothesis was accepted.

### Summary

Results from this study revealed several things. First, victim disability status may account for differences in juror judgments in sexual violence cases. Specifically, when

the victim was described as disabled, mock jurors were more likely to reach a guilty verdict than when no disability designation was given to the victim. Next, victim disability status may not account for differences in juror preconceptions, including rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. Although mock jurors in the disabled victim group scored slightly lower in rape myth acceptance and slightly higher in disability attitudes compared to the nondisabled victim group, these differences did not reach statistical significance. Finally, rape myths, just-world beliefs, gender stereotypes, and disability attitudes may be predictors of juror judgments. Overall, results suggest that sexual violence cases involving disabled women as victims may be more likely to result in a guilty verdict and juror preconceptions and attitudes may be predictive of trial outcomes. In Chapter 5, I present the prescriptive material related to this study.

## Chapter 5: Discussion, Conclusions, and Recommendations

### Introduction

The purpose of this study was to examine the effect of juror preconceptions, including rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes, on verdicts in sexual violence cases, comparing disabled female victims to those without disabilities. The study used a quantitative, experimental mock jury design to determine the extent to which these perceptions may be related to juror judgments in such cases. This study involved a vignette and survey method to measure the extent to which victim disability may account for differences in juror preconceptions and judgments. The data were then analyzed using binomial logistic regression and Hotelling's *T*-squared.

This study was conducted for several reasons. Disabled women are at an increased risk for sexual violence compared to nondisabled women (Basile et al., 2016). Due to the intersectional nature of their identities, disabled women are also more likely than nondisabled women to experience barriers, prejudice, and discrimination (Basile et al., 2016; Chenoweth, 1996; Kafer, 2013; Lee & Fenge, 2016; Magnabosco & de Souza, 2019). These biases may bleed into the legal arena, particularly in sexual violence cases, where jurors may hold certain attitudes related to rape, gender, and disability, affecting decision-making and verdicts (Cossins, 2019). Finally, there was a gap in the literature about the effects of such preconceptions on this victim population. For these reasons, this study was essential to better understand the implications of such biases and add to the existing knowledge.

The results of this study pointed to some key findings. First, victim disability status may account for differences in juror judgments. Specifically, mock jurors were more likely to reach a guilty verdict in sexual violence cases when the victim was disabled. Second, when comparing mock juror preconceptions related to rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes between the disabled and nondisabled victim groups, it was found that both reported similar attitudes toward the victim regardless of disability status. Lastly, in cases involving a disabled victim, higher levels of rape myth acceptance may reduce the likelihood of jurors reaching a guilty verdict, whereas higher just-world belief, gender stereotypes, and negative disability attitudes may increase the likelihood of a guilty verdict.

### **Interpretation of the Findings**

In Chapter 2, it was established that the current literature relevant to this study encapsulates several themes, including the risk of discrimination towards disabled women, victims of sexual violence, and those who fall into both categories. Much of the literature points to pervasive stereotypes and schemas such as rape myths, just-world beliefs, sexism, and ableism having some influence over cognitive processes and decision-making, which could impact verdicts in criminal cases. Additionally, the theoretical framework of this study positioned that disabled women are often seen as “other” by society through a variety of cognitive processes, which may influence outward perceptions and behaviors in the context of victimhood and the justice system. The existing body of research pointed to the potential effects of these issues on jurors in sexual violence cases independently but had yet to address how they might predict or

influence outcomes collectively, particularly in cases involving disabled victims. The results of this study help fill this gap and add to existing knowledge.

### **Research Question 1**

With the first research question of this study, I sought to understand the extent to which victim disability may account for differences in juror judgments as well as the likelihood that jurors come to a guilty verdict. Results showed that cases involving disabled victims may be more likely to result in a guilty verdict than cases involving nondisabled victims. The odds of a guilty verdict in the disabled victim scenario were 1.7 times the odds of a guilty verdict in the nondisabled victim scenario. The scenario presented to mock jurors in this study was identical in description of the alleged sexual violence except one group received a version that described the victim as disabled whereas the other did not. The findings of this research question indicate that regardless of the scenario, victim disability status alone may influence jurors to reach a guilty verdict.

There is nuance to how this finding aligns with the existing research. Disabled women are typically derogated and devalued by society, resulting in negative attitudes and behaviors toward them (Hughes et al., 2020). One would assume this would translate to how they are treated as victims by the justice system, as disabled women are often seen as unsuitable victims due to their outgroup membership and failure to match up with assumptions about what “real rape” looks like to jurors (Frith & Kitinger, 2001; Mulder & Olsohn, 2021; Simon & Gagnon, 1986; Zidenberg et al., 2022). Based on current research, the assumption would be that such cases would result in more acquittals, which

is supported by Charlesworth and Banaji (2019) in their study where participants showed strong negative predispositions against disabled victims. This assumption is further supported by research indicating that disabled women are often falsely categorized as asexual and aromantic, negating the possibility of experiencing sexual violence (Rohleder et al., 2018). However, the results of this study were the opposite: The scenario involving a disabled victim resulted in more guilty verdicts than the nondisabled scenario. The most likely explanation for this difference lies in ableism.

Existing literature also shows that disabled women are uniquely subject to patronizing ableism, which may be characterized by able-bodied people being overprotective as well as overly helpful, infantilizing, and pitying toward them (Nario-Redmond et al., 2019). Patronizing ableism could therefore lead jurors to assign guilt to defendants in sexual violence cases involving disabled victims due to their own internalized attitudes toward disabled women rather than the details of the case. This area of the current research seems to be most aligned with the results of this study. No other details of the sexual assault scenario were changed, meaning that changing the victim disability status alone resulted in different verdicts from mock jurors. Because all other details were the same, mock juror implicit and explicit disability attitudes may have influenced verdicts, which is in line with the literature examining ableism and disabled women.

## **Research Question 2**

The second research question assessed the extent to which victim disability may account for differences in juror rape myth acceptance, just-world beliefs, gender

stereotypes, and disability attitudes. The results revealed that victim disability status may not affect these preconceptions in jurors. Both the disabled and nondisabled victim groups had similar levels of rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes, even after reviewing the case vignette and juror instructions. These findings are of particular interest because they indicate that, although certain preconceptions may impact decision-making, they are not necessarily influenced by the disability status of victims.

Although this may seem in opposition to other findings of this study, it is in accordance with the existing literature and theories. One of the key agreements in research about juror preconceptions is their salience. False and biased views about sexual violence and victims such as rape myths, just-world beliefs, gender stereotypes, and ableism have consistently been found to be present in the minds of jurors when they come into a trial, and they carry those beliefs into their deliberations and judgments even after hearing the facts of the case (Leverick, 2020). It is therefore not entirely surprising to find that certain aspects of the case, such as victim disability, may not impact or change those views. Overall, the results of this research question indicate that a juror's disability attitudes alone may not be enough to alter other preconceptions.

### **Research Question 3**

The third and final research question attempted to determine whether rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes could predict whether jurors reached a guilty verdict in sexual violence cases involving disabled victims, and the odds of reaching such a verdict. Results indicated that higher levels of

rape myth acceptance in jurors decreased the odds of a guilty verdict by 4%, whereas negative disability attitudes increased the odds of a guilty verdict by 5%. Although just-world beliefs and gender stereotypes both increased the odds of a guilty verdict, these results did not reach statistical significance and therefore were not included in this discussion. These results do seem to mostly align with the existing research.

Across the literature, there is consistent consensus that greater endorsement of rape myths may be associated with higher levels of victim blame and lower levels of perpetrator blame (Bohner & Schapansky, 2018; Klement et al., 2019; Persson & Dhingra, 2020; Pica et al., 2021; Stuart et al., 2019; Zidenberg et al., 2021). In the context of juror decision-making, the existing literature also indicates that jurors who endorse rape myths are more likely to acquit and assign lower guilt ratings to defendants (Pica et al., 2021). This study also found evidence that higher levels of rape myth acceptance may reduce the likelihood of jurors reaching a guilty verdict in sexual violence cases, adding additional support for the negative influence of rape myth acceptance.

As with the first research question, these findings also showed support for the theory that disability attitudes may impact juror verdicts in sexual violence cases involving a disabled victim. In both instances, juror disability attitudes increased the likelihood of reaching a guilty verdict. As previously discussed, this finding is somewhat aligned with current research in that it indicates a certain level of ableism present in the mock jury sample. However, there is some misalignment when considering how the general population typically responds to disability and disabled victims, as indicated in

the existing literature. There will be further discussion about this in the recommendations section of this chapter.

The major difference between these findings and current research is how much supporting evidence there is for the influence of just-world beliefs and gender stereotypes (or sexism) on layperson perceptions and internal biases. Despite wide agreement in the literature about the potential influence of these factors and their potential impact on juror decision-making, neither measure reached statistical significance regarding verdict predictability in this study. This will be addressed further in the recommendations section of this chapter.

### **Limitations of the Study**

As with all research, this study had some limitations. The first and most prominent was the lack of deliberation as part of the jury simulation. Jury simulation studies are meant to represent the true experience of serving on a jury and produce similar results. When a study veers away from essential elements of the jury process, it could threaten its validity and generalizability (Wiener et al., 2011). There are mixed findings regarding the importance of deliberation in a jury simulation study, as discussed in previous chapters (Diamond, 1997; Kalven & Zeisel, 1971). Because this study excluded deliberation, the lack of opportunity for group discussion, opinion sharing, analysis, and consensus may have produced different results than if deliberation had been included. Group thinking may be a key factor in the decision-making process for jurors, including how perceptions such as rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes may affect overall outcomes (Bornstein et al., 2017;

Pack, 2019; Sommer et al., 2016). Without deliberation, mock jurors included in this study may not have felt the impact of group thinking and pressure to conform to the group majority. For these reasons, the findings of this study are useful for understanding the extent to which juror preconceptions affect judgments in sexual violence cases with disabled female victims but should not extend to the potential meaning of these effects.

Another limitation of this study dealt with participant responses to the self-report measures for rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes. Social desirability bias can occur in studies involving difficult topics and social constructs when participants overreport socially acceptable characteristics, opinions, and conduct and underreport anything undesirable (Bigayer, 2014). This is typically motivated by the desire for people to present themselves in a positive light and downplay their actual attitudes and behaviors (Bigayer, 2014). This is especially true when people are placed in positions they deem important or when they feel pressure to perform and respond in a socially appropriate way (Bigayer, 2014). Serving on a jury, even in the case of a mock jury, would be an example of such a situation. Mock jurors may give socially desirable responses to self-report measures to gain approval or maintain their self-image (Bigayer, 2014). Both mechanisms can manifest on a variety of topics if the individual sees the topic as sensitive or socially motivated (Bigayer, 2014). Being prompted to answer questions that could reveal socially undesirable attitudes or actions may be embarrassing or threatening to participants, and therefore they respond in a way that conceals their true feelings or nature (Bigayer, 2014). Research has found that social desirability bias may present itself even in situations where the respondent's identity is

completely anonymous, due to cognitive dissonance and attempts to preserve a positive self-perception (Bigayer, 2014). For these reasons, it is reasonable to assume that some level of social desirability bias may occur when using self-report measures. Because this study included several such measures in addition to focusing on sensitive and socially charged topics, it is a potential limitation that could influence the validity, reliability, and generalizability of the results.

### **Recommendations**

Based on the findings of this study, several recommendations are suggested for future research. First, it is recommended that this study be repeated and include the opportunity for mock juror deliberation. This study lacked the opportunity for mock jurors to discuss the case and deliberate, as is typical in cases like the one presented in this study. As indicated in the previous section, deliberation allows for the group thinking process and a certain level of peer pressure to influence the outcomes of a case (Bornstein et al., 2017; Pack, 2019; Sommer et al., 2016). If deliberation were included in a future study, it is possible the results would vary from what was found in this study and allow for additional questions and lines of inquiry for research. It is also recommended that future research further examine the preconceptions of just-world beliefs and gender stereotypes independently of other preconceptions included in this study. There were mixed findings related to these schemas, and more information is needed to understand their true impact on juror decision-making and verdicts. Finally, more research is needed to understand the mechanics of how disability attitudes and ableism influence verdicts. More questions need to be asked to better illuminate why disability status alone may

increase the likelihood of a guilty verdict in sexual violence cases when there is also evidence that disabled individuals are often derogated and dehumanized by those without disabilities. Understanding the facets of ableism or what specific attitudes about disability influence verdicts would add to the existing body of research in a meaningful way.

### **Implications**

#### **Positive Social Change**

As stated in the opening chapter of this study, the research presented could positively contribute to social change in both the field of psychology and the law related to sexual violence cases involving disabled victims. Having a better understanding of the relationship between juror preconceptions and victim disability and how that relationship may influence verdicts could be helpful to victims' advocates, psychology professionals, legal professionals, and other stakeholders. The findings may be useful in the development of education programs for these individuals as well as jurors in such cases to help them understand how preconceptions can affect cognitive processes and how to handle them during deliberation. Additionally, these findings could be used to update juror instructions to include more information about biases and preconceptions such as those included in the study, advising that attempts should be made by jurors to minimize their influence during the decision-making process.

### **Conclusion**

Disabled women are a unique population, situated in a state of vulnerability, exclusion, and discrimination at the crossroads between femininity and disability, as imposed by their intersectional identity. Current research in this area has stressed the

heightened risk of sexual violence for disabled women and the prolific biases and prejudice that impact layperson opinions regarding this group as victims and their victimization. This study explored the impact of these societal attitudes related to such violence, as well as how preconceptions can influence behavior and decision-making in sexual assault trials. Results demonstrated that although victim disability may not influence jurors to change other potentially biased attitudes towards victims, it may predict guilty verdicts in such cases. Specifically, sexual violence cases involving disabled women may be more likely to result in guilty verdicts than cases with nondisabled victims. This may be due to victim disability status alone as well as disability attitudes held by jurors. Furthermore, certain preconceptions, particularly rape myths, may be predictive of verdicts as well. These findings fill a gap that was present in the existing literature and knowledge related to sexual assault and juror decision-making. Prior to this study, limited information was available about the impact of victim disability on sexual violence trials and how juror preconceptions, including rape myth acceptance, just-world beliefs, gender stereotypes, and disability attitudes, factored into trial verdicts. This new knowledge adds to what was previously known about juror bias related to disability and may help better understand what preexisting attitudes have the greatest impact on case outcomes.

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018-0491-x

## Appendix A: Illinois Rape Myth Acceptance Short-Form (IRMA-SF)



### Illinois Rape Myth Acceptance Scale

**PsycTESTS Citation:**

Lonsway, K. (1999). Illinois Rape Myth Acceptance Scale [Database record]. Retrieved from PsycTESTS. doi: <https://dx.doi.org/10.1037/t05370-000>

**Instrument Type:**  
Rating Scale

**Test Format:**

The Illinois Rape Myth Acceptance Scale is rated using a 7-point response scale, where 1 = "not at all agree" and 7 = "very much agree."

**Source:**

Supplied by author.

**Original Publication:**

Payne, Diana L., Lonsway, Kimberly A., & Fitzgerald, Louise F. (1999). Rape myth acceptance: Exploration of its structure and its measurement using the Illinois Rape Myth Acceptance Scale. *Journal of Research in Personality*, Vol 33(1), 27-68. doi: <https://dx.doi.org/10.1006/jrpe.1998.2238>

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## Appendix B: Just-World Belief Scale



### Just World Belief Scale

**PsycTESTS Citation:**

Vonderhaar, R. L., & Carmody, D. C. (2015). Just World Belief Scale [Database record]. Retrieved from PsycTESTS. doi: <https://dx.doi.org/10.1037/t42170-000>

**Instrument Type:**  
Rating Scale

**Test Format:**  
This 15-item measure utilizes a 6-point Likert-type scale of agreement.

**Source:**  
Vonderhaar, Rebecca L., & Carmody, Dianne Cyr. (2015). There are no "innocent victims": The influence of just world beliefs and prior victimization on rape myth acceptance. *Journal of Interpersonal Violence*, Vol 30(10), 1615-1632. doi: <https://dx.doi.org/10.1177/0886260514549196>, © 2015 by SAGE Publications. Reproduced by Permission of SAGE Publications.

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## Appendix C: Sex Role Stereotypes Scale



### Sex Role Stereotyping Scale

**PsycTESTS Citation:**

Burt, M. R. (1980). Sex Role Stereotyping Scale [Database record]. Retrieved from PsycTESTS. doi: <https://dx.doi.org/10.1037/t06663-000>

**Instrument Type:**

Rating Scale

**Test Format:**

Test items used a 7-point scale ranging from strongly agree to strongly disagree.

**Source:**

Burt, Martha R. (1980). Cultural myths and supports for rape. *Journal of Personality and Social Psychology*, Vol 38(2), 217-230. doi: <https://dx.doi.org/10.1037/0022-3514.38.2.217>

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## Appendix D: Multidimensional Attitudes Scale (MAS) Toward Persons With Disabilities



### Multidimensional Attitudes Scale toward Persons with Disabilities

**PsycTESTS Citation:**

Findler, L., Vilchinsky, N., & Werner, S. (2007). Multidimensional Attitudes Scale toward Persons with Disabilities [Database record]. Retrieved from PsycTESTS. doi: <https://dx.doi.org/10.1037/t48910-000>

**Instrument Type:**

Inventory/Questionnaire

**Test Format:**

The Multidimensional Attitudes Scale toward Persons with Disabilities has 34 items on a 5 point rating scale of 1 = not at all to 5 = very much.

**Source:**

Findler, Liora, Vilchinsky, Noa, & Werner, Shirli. (2007). The multidimensional Attitudes Scale toward persons with disabilities (MAS): Construction and validation. *Rehabilitation Counseling Bulletin*, Vol 50(3), 166-176. doi: <https://dx.doi.org/10.1177/00343552070500030401>, © 2007 by SAGE Publications. Reproduced by Permission of SAGE Publications.

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### Appendix E: Disabled Victim Fictional Vignette

Members of the jury,

You have been selected to act as mock jurors in a simulated criminal case. Defendant A has been indicted on Count 1, the offense of rape. The Defendant has pled not guilty to this indictment, and he denies every charge in it. This indictment and the Defendant's plea of not guilty present the issue that you have been selected and sworn to decide.

You should consider the evidence with an open mind, and you should not reach any final conclusions until the trial is over.

To maintain the integrity of the jury system, you must decide this case based only on the evidence admitted during the trial and the law. You may not conduct any research on your own about this case. No other influence should affect your decision.

When reviewing the evidence, you may take notes if you wish. Notes are not evidence; they are only memory aids. They are not more important than your own impression or memory of what the evidence may have been.

You will now review the evidence in this case and apply the law to those facts in order to reach a verdict.

#### **Direct Examination of Victim A**

(Victim A is a 24-year-old disabled woman who uses a wheelchair. She is currently on the stand undergoing direct examination by the prosecutor.)

Q: Victim A, how do you know the Defendant?

A: He and I were in the same group of friends.

Q: Did you consider him a close friend?

A: Yes, I did.

Q: Did you ever consider him to be more than a friend?

A: After we first met, I had a bit of a crush on him. I thought he was attractive, and a nice, fun guy. That's about it though. We were never in a relationship.

Q: Did the Defendant ever tell you that he wanted more than friendship from you?

A: No.

Q: Did he ever show any interest in you romantically?

A: Up until that night, no. We were just friends.

Q: You mentioned "that night." Let's talk a bit more about that. Can you recount for us what happened on the night in question?

A: Earlier in the afternoon our friend group had a get-together at my place. It was just a barbeque, nothing crazy. We had some food and drinks, played some music and outdoor games. It was fun.

Q: Were you drinking?

A: Not alcohol, no.

Q: Was the Defendant drinking alcohol?

A: Yes.

Q: How many drinks did he have throughout the day?

A: I'm not exactly sure, but by that evening he seemed intoxicated.

Q: What lead you to believe he was intoxicated?

A: From past experiences. When he gets drunk, he acts up a bit. He was being kind of loud and rowdier than normal. He was also slurring his words and got sort of clumsy. One of our other friends ended up taking him home, so he had to leave his car at my place.

Q: About what time would you say he left?

A: It was around 8:30pm.

Q: And what time did the rest of your friends leave?

A: Everyone else left not too long after. It was before 9:00pm.

Q: Okay, please tell us what happened next.

A: After everyone left, I got into my pajamas and took off my makeup, basically started getting ready for bed. Around 9:30pm someone was ringing my doorbell, so I checked my camera to see who it was. It was Defendant A. I opened the door and he said he was there to pick up his car. It hadn't been that long since he left, so I was worried he might still have alcohol in his system. I offered for him to come in and hang out a while until he sobered up. I didn't want him drinking and driving.

Q: What happened next?

A: After I invited Defendant A in, we just talked in my living room for a bit. Nothing felt off, he just seemed like he needed a little longer to sober up. He was acting like himself, being goofy and charming. It all felt perfectly normal, like just another hang-out, even though this was the first time we had ever really been alone together. I just thought we would chat for a while and then he would get his car and go home.

Q: Is that what happened?

A: No, it isn't.

Q: Please tell us what happened next.

A: After we had been talking for a while, he made a comment about how I looked in my nightgown. I don't remember the exact words. At the time I just thought he was still a little drunk because it wasn't something he would normally say. I kind of laughed. But then he got up and came over to where I was sitting. He picked me up out of my wheelchair and carried me to my bedroom. Once we were there, he laid me on the bed and started taking his clothes off. I asked him what he was doing, and he laughed and told me, "Just having some fun." I froze. Once he was naked, he straddled me on the bed. I felt trapped. He pushed my nightgown up and moved my panties to the side. He started touching me down there and put his fingers inside me. I can't really remember if I said no or pleaded with him, all I remember is being afraid. I know I was wriggling and trying to get away, but when that didn't work, I just gave up. As soon as I stopped moving, he forced his penis inside me. He was really rough. I was so scared. I'm disabled and not

able to walk on my own, and he's much bigger and stronger than me. I thought he might hurt me if I tried to fight him off, so I just laid there and let him finish.

Q: Victim A, I know this is difficult, but can you tell us what happened next?

A: After he finished, he kind of laid on top of me until he fell asleep, almost like he passed out. He was so heavy, and I was underneath his chest with one of his arms and legs over me, so I couldn't move. Eventually he rolled over, and I was able to wriggle off the bed and I crawled back to my chair in the living room. I was shaking. I didn't know what to do. I didn't sleep, I just sat there. I was in shock, I think.

Q: Did you call the police?

A: No, I didn't.

Q: Did you reach out to anyone to report what happened?

A: Yes. In the morning, after he left, I texted a few of my friends. Some of them didn't seem to understand. They thought we just hooked up and I should've been happy since I had a crush on him and didn't have any other guys who wanted to be with me. It's hard for me to find guys because of my disability. A few others pointed out all the red flags and told me that I needed to report what happened.

Q: Let's backup a moment. What happened in the morning, before you texted your friends?

A: I don't remember what time it was, but he eventually woke up. He got dressed and came out to the living room, and I was still sitting there in my chair. I don't remember exactly what he said, but something along the lines of "That was fun, we should do it again sometime," and then he asked for his car keys. I gave them to him and he left. As soon as he was gone, I got to the door as quickly as I could and locked it. I felt unsafe and dirty. The only thing I wanted to do was get clean, so I took a shower. I scrubbed and scrubbed and then just sat in my shower and cried. After I got out, I texted my friends.

Q: You said some of your friends pointed out red flags and convinced you to report. Until this point, how were you defining what happened?

A: I was very confused. I knew I didn't want it, but up until then, I had liked him and been attracted to him. I knew what he did was wrong, but he had been drinking and was aware I had a crush on him. I tried to explain everything away. In my mind, what happened didn't fit my idea of rape. That's supposed to happen between strangers in a dark alleyway, not by a friend in my own home. The fact that I'm disabled just made me even more confused.

Q: What, if any, role did your disability play in your decision to report what happened?

A: The next day I was experiencing pain and tenderness between my legs, but I was also having pain in my abdomen and back. He also didn't use a condom, so I was afraid of STDs or STIs and didn't want to get pregnant. Because of my medical history and disability, I decided to go to the emergency room. I confided in my nurse about what had happened, and she referred me to the sexual assault treatment unit for an exam. That's when I really came to terms with the fact that I may have been raped.

Q: What, if anything, were the results of the sexual assault exam?

A: I had some slight bruising on my vulva and thighs. The doctor used a mirror to show me. They didn't find anything else because I had taken a shower after. All my other tests came back clear, and I was just given some pain meds and the morning-after pill. I was also given information about resources for sexual assault victims and disability services.

Q: What happened after the exam?

A: Because I was being treated for sexual assault, the police were notified. An officer was there after the exam and asked me if I wanted to give information to file a report. I decided to talk to them and tell them what happened.

Q: So, you filed an official report with the police, correct?

A: Yes.

Q: To your knowledge what, if anything, happened as a result of that report?

A: Police started an investigation. They talked to me a bunch of times, and eventually charges were filed against Defendant A.

Q: Thank you, Victim A. That will be all, your Honor.

### **Direct Examination of Defendant A**

(Defendant A is a 26-year-old man. He is currently on the stand undergoing direct examination by the defense.)

Q: Defendant A, let's jump right in. You're friends with Victim A, correct?

A: Yes, I am.

Q: Did you ever have a romantic relationship with her?

A: No.

Q: At the time in question, were you aware if she was romantically interested in you?

A: Yes. Some friends told me she had a crush on me. I think they were trying to play matchmaker.

Q: But you didn't feel the same?

A: No, I didn't.

Q: And why was that?

A: I just didn't see her in that way. She was a good friend, but that was it. Plus, I wasn't looking for a serious relationship and anything with Victim A would have been a commitment.

Q: Why is that?

A: Because she is in a wheelchair. I don't think you can really keep things casual in a relationship with someone who has special needs.

Q: Even though you didn't want to have a romantic relationship with Victim A, was there ever a time that you two had a consensual sexual relationship?

A: Yes, but it was just one time. It was not a relationship.

Q: Tell us about that.

A: One night our friends were having a party at Victim A's house. When we got to the end of the night a buddy drove me home because he was the designated driver. I

wasn't drunk, but I did have a beer or two, so I wanted to be safe. After about an hour at home, I thought I should be good, so I called Victim A to let her know I was coming to get my car. I took an Uber back over to her place. When I got there everyone else had already left, and she answered the door wearing this silky nightgown. I thought she put it on since she knew I was coming and decided to finally make a move. She invited me into her place to hang out, alone, at night, wearing basically lingerie, so the message seemed pretty clear.

Q: And what message was that?

A: That she wanted to hook up. To have sex.

Q: So, what did you do?

A: I went inside.

Q: What happened once you were alone together?

A: We talked for a while. She was being really flirty, and things got physical. We ended up in her bedroom and we had sex.

Q: How did you both end up in the bedroom?

A: I walked in, and she used her wheelchair.

Q: At any point did you remove her from her wheelchair?

A: No, she got in and out of it herself.

Q: Was the sex with Victim A consensual?

A: Yes, of course. She wanted it just as much as I did, if not more.

Q: Did she ever say no or try to fight you off?

A: No, not at all.

Q: Were either of you intoxicated at the time?

A: No, we were both sober.

Q: At any time did Victim A give you any indication that she did not want to have sex with you?

A: No.

Q: What happened after you had sex?

A: Nothing, we just laid in bed and fell asleep. In the morning we said we had fun and agreed to do it again sometime, and I left. Everything was fine.

Q: At what point did you find out that Victim A had gone to the police and claimed you assaulted her?

A: I think it was a day or two later. The police showed up at my house and told me they had some questions.

Q: Did you cooperate?

A: Yes, I answered all their questions.

Q: At what point did you stop cooperating with the police?

A: Once I realized they had opened an investigation. I thought if I answered their questions the whole thing would just go away. It didn't, so I got a lawyer.

Q: At any point during this time, did you speak with Victim A?

A: Yes, I did.

Q: What, if anything, did she say about the situation?

A: She said she misread things and she was confused.

Q: How did you feel about that?

A: I felt like she misunderstood what the sex meant and regretted it afterward. She wanted to take it back, so she claimed rape and filed a false report.

Q: Defendant A, are any of the claims made against you by Victim A true?

A: No. I would never do the things I have been accused of, especially not to someone who is as helpless and defenseless as Victim A.

Q: Thank you, Defendant A. That will be all, your Honor.

## Appendix F: Nondisabled Victim Fictional Vignette

Members of the jury,

You have been selected to act as mock jurors in a simulated criminal case. Defendant A has been indicted on Count 1, the offense of rape. The Defendant has pled not guilty to this indictment, and he denies every charge in it. This indictment and the Defendant's plea of not guilty present the issue that you have been selected and sworn to decide.

You should consider the evidence with an open mind, and you should not reach any final conclusions until the trial is over.

To maintain the integrity of the jury system, you must decide this case based only on the evidence admitted during the trial and the law. You may not conduct any research on your own about this case. No other influence should affect your decision.

When reviewing the evidence, you may take notes if you wish. Notes are not evidence; they are only memory aids. They are not more important than your own impression or memory of what the evidence may have been.

You will now review the evidence in this case and apply the law to those facts in order to reach a verdict.

### **Direct Examination of Victim A**

(Victim A is a 24-year-old woman. She is currently on the stand undergoing direct examination by the prosecutor.)

Q: Victim A, how do you know the Defendant?

A: He and I were in the same group of friends.

Q: Did you consider him a close friend?

A: Yes, I did.

Q: Did you ever consider him to be more than a friend?

A: After we first met, I had a bit of a crush on him. I thought he was attractive, and a nice, fun guy. That's about it though. We were never in a relationship.

Q: Did the Defendant ever tell you that he wanted more than friendship from you?

A: No.

Q: Did he ever show any interest in you romantically?

A: Up until that night, no. We were just friends.

Q: You mentioned "that night." Let's talk a bit more about that. Can you recount for us what happened on the night in question?

A: Earlier in the afternoon our friend group had a get-together at my place. It was just a barbeque, nothing crazy. We had some food and drinks, played some music and outdoor games. It was fun.

Q: Were you drinking?

A: Not alcohol, no.

Q: Was the Defendant drinking alcohol?

A: Yes.

Q: How many drinks did he have throughout the day?

A: I'm not exactly sure, but by that evening he seemed intoxicated.

Q: What lead you to believe he was intoxicated?

A: From past experiences. When he gets drunk, he acts up a bit. He was being kind of loud and rowdier than normal. He was also slurring his words and got sort of clumsy. One of our other friends ended up taking him home, so he had to leave his car at my place.

Q: About what time would you say he left?

A: It was around 8:30pm.

Q: And what time did the rest of your friends leave?

A: Everyone else left not too long after. It was before 9:00pm.

Q: Okay, please tell us what happened next.

A: After everyone left, I got into my pajamas and took off my makeup, basically started getting ready for bed. Around 9:30pm someone was ringing my doorbell, so I checked my camera to see who it was. It was Defendant A. I opened the door and he said he was there to pick up his car. It hadn't been that long since he left, so I was worried he might still have alcohol in his system. I offered for him to come in and hang out a while until he sobered up. I didn't want him drinking and driving.

Q: What happened next?

A: After I invited Defendant A in, we just talked in my living room for a bit. Nothing felt off, he just seemed like he needed a little longer to sober up. He was acting like himself, being goofy and charming. It all felt perfectly normal, like just another hang-out, even though this was the first time we had ever really been alone together. I just thought we would chat for a while and then he would get his car and go home.

Q: Is that what happened?

A: No, it isn't.

Q: Please tell us what happened next.

A: After we had been talking for a while, he made a comment about how I looked in my nightgown. I don't remember the exact words. At the time I just thought he was still a little drunk because it wasn't something he would normally say. I kind of laughed. But then he got up and came over to where I was sitting. He picked me up and carried me to my bedroom. Once we were there, he laid me on the bed and started taking his clothes off. I asked him what he was doing, and he laughed and told me, "Just having some fun." I froze. Once he was naked, he straddled me on the bed. I felt trapped. He pushed my nightgown up and moved my panties to the side. He started touching me down there and put his fingers inside me. I can't really remember if I said no or pleaded with him, all I remember is being afraid. I know I was wriggling and trying to get away, but when that didn't work, I just gave up. As soon as I stopped moving, he forced his penis inside me. He was really rough. I was so scared. He's much bigger and stronger than me. I thought he might hurt me if I tried to fight him off, so I just laid there and let him finish.

Q: Victim A, I know this is difficult, but can you tell us what happened next?

A: After he finished, he kind of laid on top of me until he fell asleep, almost like he passed out. He was so heavy, and I was underneath his chest with one of his arms and legs over me, so I didn't want to move. Eventually he rolled over, and I was able to get up and go out to my living room. I was shaking. I didn't know what to do. I didn't sleep, I just sat there. I was in shock, I think.

Q: Did you call the police?

A: No, I didn't.

Q: Did you reach out to anyone to report what happened?

A: Yes. In the morning, after he left, I texted a few of my friends. Some of them didn't seem to understand, they thought we just hooked up and I should've been happy since I had a crush on him. A few others pointed out all the red flags and told me that I needed to report what happened.

Q: Let's backup a moment. What happened in the morning, before you texted your friends?

A: I don't remember what time it was, but he eventually woke up. He got dressed and came out to the living room, and I was still sitting there. I don't remember exactly what he said, but something along the lines of "That was fun, we should do it again sometime," and then he asked for his car keys. I gave them to him and he left. As soon as he was gone, I ran to the door and locked it. I felt unsafe and dirty. The only thing I wanted to do was get clean, so I took a shower. I scrubbed and scrubbed and then just sat in my shower and cried. After I got out, I texted my friends.

Q: You said some of your friends pointed out red flags and convinced you to report. Until this point, how were you defining what happened?

A: I was very confused. I knew I didn't want it, but up until then, I had liked him and been attracted to him. I knew what he did was wrong, but he had been drinking and was aware I had a crush on him. I tried to explain everything away. In my mind, what happened didn't fit my idea of rape. That's supposed to happen between strangers in a dark alleyway, not by a friend in my own home.

Q: What happened next?

A: The next day I was experiencing pain and tenderness between my legs, but I was also having pain in my abdomen and back. He also didn't use a condom, so I was afraid of STDs or STIs and didn't want to get pregnant. I decided to go to the emergency room. I confided in my nurse about what had happened, and she referred me to the sexual assault treatment unit for an exam. That's when I really came to terms with the fact that I may have been raped.

Q: What, if anything, were the results of the sexual assault exam?

A: I had some slight bruising on my vulva and thighs. The doctor used a mirror to show me. They didn't find anything else because I had taken a shower after. All my other tests came back clear, and I was just given some pain meds and the morning-after pill. I was also given information about resources for sexual assault victims.

Q: What happened after the exam?

A: Because I was being treated for sexual assault, the police were notified. An officer was there after the exam and asked me if I wanted to give information to file a report. I decided to talk to them and tell them what happened.

Q: So, you filed an official report with the police, correct?

A: Yes.

Q: To your knowledge what, if anything, happened as a result of that report?

A: Police started an investigation. They talked to me a bunch of times, and eventually charges were filed against Defendant A.

Q: Thank you, Victim A. That will be all, your Honor.

### **Direct Examination of Defendant A**

(Defendant A is a 26-year-old man. He is currently on the stand undergoing direct examination by the defense.)

Q: Defendant A, let's jump right in. You're friends with Victim A, correct?

A: Yes, I am.

Q: Did you ever have a romantic relationship with her?

A: No.

Q: At the time in question, were you aware if she was romantically interested in you?

A: Yes. Some friends told me she had a crush on me. I think they were trying to play matchmaker.

Q: But you didn't feel the same?

A: No, I didn't.

Q: And why was that?

A: I just didn't see her in that way. She was a good friend, but that was it. Plus, at the time, I wasn't looking for a serious relationship.

Q: Even though you didn't want to have a romantic relationship with Victim A, was there ever a time that you two had a consensual sexual relationship?

A: Yes, but it was just one time. It was not a relationship.

Q: Tell us about that.

A: One night our friends were having a party at Victim A's house. When we got to the end of the night a buddy drove me home because he was the designated driver. I wasn't drunk, but I did have a beer or two, so I wanted to be safe. After about an hour at home, I thought I should be good, so I called Victim A to let her know I was coming to get my car. I took an Uber back over to her place. When I got there everyone else had already left, and she answered the door wearing this silky nightgown. I thought she put it on since she knew I was coming and decided to finally make a move. She invited me into her place to hang out, alone, at night, wearing basically lingerie, so the message seemed pretty clear.

Q: And what message was that?

A: That she wanted to hook up. To have sex.

Q: So, what did you do?

A: I went inside.

Q: What happened once you were alone together?

A: We talked for a while. She was being really flirty, and things got physical. We ended up in her bedroom and we had sex.

Q: Was the sex with Victim A consensual?

A: Yes, of course. She wanted it just as much as I did, if not more.

Q: Did she ever say no or try to fight you off?

A: No, not at all.

Q: Were either of you intoxicated at the time?

A: No, we were both sober.

Q: At any time did Victim A give you any indication that she did not want to have sex with you?

A: No.

Q: What happened after you had sex?

A: Nothing, we just laid in bed and fell asleep. In the morning we said we had fun and agreed to do it again sometime, and I left. Everything was fine.

Q: At what point did you find out that Victim A had gone to the police and claimed you assaulted her?

A: I think it was a day or two later. The police showed up at my house and told me they had some questions.

Q: Did you cooperate?

A: Yes, I answered all their questions.

Q: At what point did you stop cooperating with the police?

A: Once I realized they had opened an investigation. I thought if I answered their questions the whole thing would just go away. It didn't so I got a lawyer.

Q: At any point during this time, did you speak with Victim A?

A: Yes, I did.

Q: What, if anything, did she say about the situation?

A: She said she misread things and she was confused.

Q: How did you feel about that?

A: I felt like she misunderstood what the sex meant and regretted it afterward. She wanted to take it back, so she claimed rape and filed a false report.

Q: Defendant A, are any of the claims made against you by Victim A true?

A: No. I would never do the things I have been accused of.

Q: Thank you, Defendant A. That will be all, your Honor.

## Appendix G: Juror Instructions

Members of the jury,

Now that you have heard all the evidence that is to be received in this simulated trial, it becomes my duty to give you the final instructions of the Court as to the law that is applicable to this case. You should use these instructions to guide you in your decisions.

### **Charges**

It is your duty as jurors to follow the law as stated in all the instructions of the Court and to apply these rules of law to the facts as you find them from the evidence received during the trial. You were chosen as jurors for this trial to evaluate the evidence received and to decide each of the factual questions presented by the allegations in the indictment and the plea of not guilty by the defendant. In resolving the issues presented to you for decision in this trial you must not be persuaded by bias, prejudice, or sympathy for or against any of the parties to this case or by any public opinion. Your verdict should be a true verdict based upon your opinion of the evidence according to the laws for this charge. It is your duty to consider the facts objectively.

### **Evidence**

You will decide this case based on the evidence. Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all the testimony and any exhibits admitted during the trial. Evidence does not include the indictment or pleas of not guilty.

### **Judging the Evidence**

There is nothing particularly different in the way that a juror should consider the evidence in a trial from that in which any reasonable and careful person would deal with any very important question that must be resolved by examining facts, opinions, and evidence. You are expected to use your good sense in considering and evaluating the evidence in the case.

### **Presumption of Innocence**

The defendant is presumed to be innocent until proven guilty. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged.

### **Reasonable Doubt**

You may not convict the Defendant of any crime unless each element of the crime is proved beyond a reasonable doubt. However, the guilt of the Defendant does not need to be proven beyond all doubt. It is a doubt of a fair-minded, impartial juror who is honestly seeking the truth. It is a doubt based on common sense and reason. It does not

mean a vague or arbitrary doubt, but it is a doubt for which you can give a reason. After considering all the facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you must find the Defendant not guilty. But if no reasonable doubt exists in your minds about the Defendant's guilt, then you may convict the Defendant.

### **Indictment**

The indictment charges that Defendant A committed the offense of rape against Victim A.

### **Statutes Defining the Offense Charged**

A person commits the offense of rape when he has carnal knowledge of a female forcibly and against her will. Carnal knowledge means sexual intercourse. Sexual intercourse occurs when there is any penetration of the female sex organ by the male sex organ. Even slight penetration is enough to constitute the act of sexual intercourse. The State must prove each of these elements beyond a reasonable doubt. Force may consist of acts of physical force, threats of harm, or intimidation.

The lack of consent on the part of the alleged victim is an essential element of the crime of rape, and the burden of proof is on the State to show a lack of consent on the part of the alleged victim beyond a reasonable doubt. If the State fails to prove such beyond a reasonable doubt, then you must acquit the defendant. However, consent induced by force, fear, or intimidation does not amount to consent in law and does not prevent the intercourse from being rape. Consent to sexual intercourse obtained through a present or immediate fear of serious bodily injury to the female involved is equivalent to no consent at all.

### **Essential Elements of the Offense Charged**

In order to sustain its burden of proof for the offense of rape as charged in the indictment, the government must prove the following essential elements beyond a reasonable doubt:

- Defendant A had carnal knowledge of Victim A, forcibly and against her will, penetrating her female sex organ with his male sex organ

### **Verdict**

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant did commit the offense as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty." If you do not believe that the defendant is guilty, or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

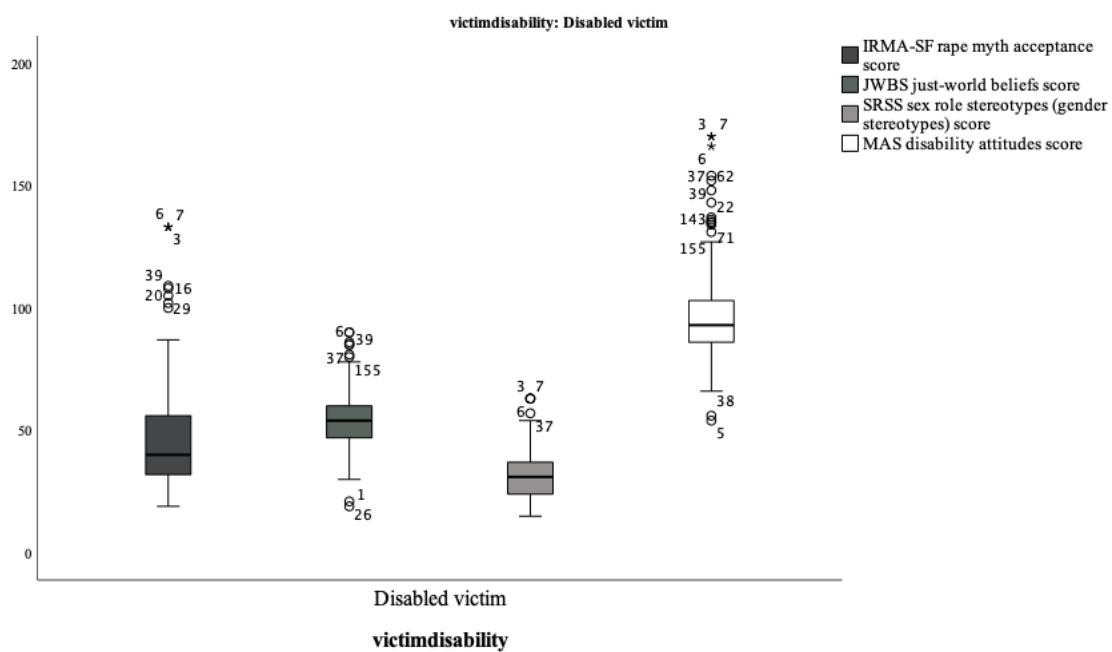
## Appendix H: Test of Normality of Model

	Victim disability status	Kolmogorov-Smirnov <sup>a</sup>			Shapiro-Wilk		
		Statistic	df	Sig.	Statistic	<i>df</i>	Sig.
IRMA-SF rape myth acceptance score	Disabled victim	.167	155	.000	.838	155	.000
JWBS just-world beliefs score	Disabled victim	.086	155	.007	.964	155	.000
SRSS sex role stereotypes (gender stereotypes) score	Disabled victim	.099	155	.001	.940	155	.000
MAS disability attitudes score	Disabled victim	.165	155	.000	.895	155	.000

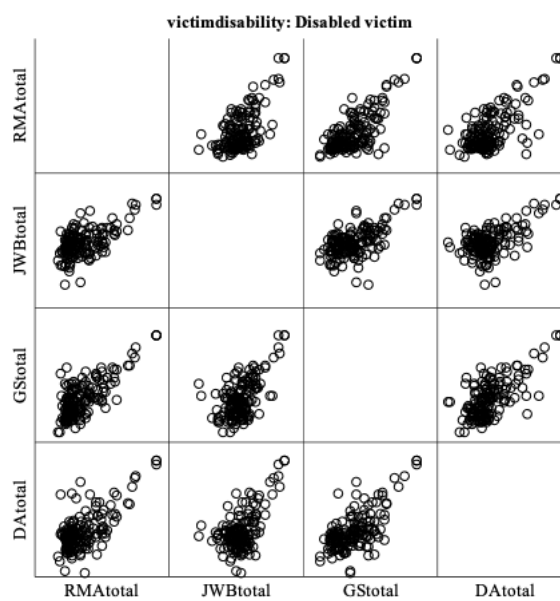
*Note.* Victim disability status = Disabled victim.

<sup>a</sup> Lilliefors significance correction.

Appendix I: Boxplot Test for Outliers in Model



## Appendix J: Scatterplot Matrix of Model



## Appendix K: Test of Multicollinearity of Model

	IRMA-SF rape myth acceptance score	JWBS just- world beliefs score	SRSS sex role stereotypes (gender stereotypes) score	MAS disability attitudes score
IRMA-SF rape myth acceptance score	1	.629**	.755**	.692**
JWBS just-world beliefs score		1	.588**	.581**
SRSS sex role stereotypes (gender stereotypes) score			1	.683**
MAS disability attitudes score				1

*Note.* Fictional vignette divided into experimental groups based on victim disability

status = Disabled victim.

\*\* Correlation is significant at the 0.01 level (2-tailed).

<sup>a</sup>  $N = 155$ .

## Appendix L: Box's Test of Equality of Covariance Matrices

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Box's M	13.064
F	1.288
df1	10
df2	434483.487
Sig.	.231

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*Note.* Tests the null hypothesis that the observed covariance matrices of the dependent

variables are equal across groups. Design: Intercept + Victim disability status.

## Appendix M: Levene's Test of Equality of Error Variances

		Levene statistic	df1	df2	Sig.
IRMA-SF rape myth acceptance score	Based on Mean	.292	1	302	.590
	Based on Median	.245	1	302	.621
	Based on Median and with adjusted df	.245	1	301.683	.621
	Based on trimmed mean	.364	1	302	.547
JWBS just-world beliefs score	Based on Mean	.102	1	302	.750
	Based on Median	.046	1	302	.830
	Based on Median and with adjusted df	.046	1	301.655	.830
	Based on trimmed mean	.076	1	302	.783
SRSS sex role stereotypes (gender stereotypes) score	Based on Mean	.036	1	302	.850
	Based on Median	.021	1	302	.886
	Based on Median and with adjusted df	.021	1	300.014	.886
	Based on trimmed mean	.038	1	302	.846
MAS disability attitudes score	Based on Mean	.020	1	302	.887
	Based on Median	.002	1	302	.966
	Based on Median and with adjusted df	.002	1	301.936	.966
	Based on trimmed mean	.002	1	302	.967

*Note.* Tests the null hypothesis that the error variance of the dependent variable is equal across groups. Design: Intercept + Victim disability status