



Taking A Stand Against Sexual Assault

Trustees are responsible for seeing that effective policies on sexual offenses exist, evolve, and are properly communicated.

By Karen Mulhauser

EIGHTY ANTIOCH College community members sit, listening to a report on new student recruitment. In the background, the sound of ripping masking tape is heard as a woman has a sign taped to her back inscribed with the word "raped." Three minutes later, another ripping sound, and another woman is tagged "raped." Intermittent sobbing interrupts the admissions report, and the crowd shifts in uncomfortable silence. Every three minutes during the meeting a woman's back is taped.

Twenty women are "raped" during that meeting, representing the FBI national statistic on reported rapes: one woman every three minutes.

This dramatic demonstration was staged in fall 1990 by a group of Antioch College women students who developed, fought for, and gained

approval of a college policy against sexual offenses. Regrettably, it also demonstrates how difficult it is to get a community's attention when silence and denial are often the reaction to charges of rape.

Even when a group of students seeking an effective sexual offense policy has the full support of the president, as was the case at Antioch, it is a difficult process. Ultimately, it is the responsibility of the board of trustees to make sure that such a policy exists. This requires a college community to state explicitly that it no longer condone centuries-old practices growing out of the parallel myths that "boys will be boys" and "girls ask for it."

■ What is rape?

On campuses, most sexual assaults are acquaintance or date rapes where

the involved parties know each other. Policies against, and attitudes about, acquaintance or date rape are difficult to deal with because we encounter the survivors and perpetrators of these offenses every day. Each individual, whether faculty, student, administrator, or trustee, must come to a personal understanding that sex with an unwilling partner is rape. In cases of rape by a stranger, it is often less difficult for the survivor to convince others that she was unwilling.

The process of addressing these issues in order to establish a policy must be educational if it is to be effective, because some attitudes must change. If policy implementation is to be effective, education of all members of the community is essential and should be continuous. Trustees must recognize that they are morally responsible for a safe environment for students and that the institution is legally responsible for campus safety.

Board policy, therefore, must specify behavior that will not be condoned, penalties for offenses, and a procedure that allows the victim/survivor—or as the Antioch policy carefully states, “the primary witness”—to file a complaint while simultaneously protecting the accused from unfounded allegations. Indeed, the ever-growing number of successful legal cases brought against colleges should remind trustees of this responsibility.

It is instructive to consider how colleges and universities are changing the way they deal with the incidence and charges of rape and other sexual offenses. Until fairly recently, “many institutions had little idea how widespread sexual assault was on their campuses. When incidents were reported, they were viewed as isolated cases, consistent with the mythology that boys will be boys. Later, as reports became more frequent, attempts were made to hide the incidents and prevent negative publicity,” according to Ber-

nice Resnick Sandler, editor of “About Women on Campus,” a quarterly newsletter.

Karen Hall, the salaried victim advocate at Antioch College, puts it this way: “There was a time that rape crisis/education programs were ‘red flags’ to parents that a campus wasn’t safe. However, today the reverse often seems to be true. Parents visiting the Antioch College campus and parents of new students are relieved to find that a program exists. They feel that the campus is safer if the issue is being addressed through education and prevention programs.”

Where policies On sexual offenses Usually falter

Aileen Adams and Gail Abarbanel in *Sexual Assault on Campus: What Colleges Can Do*, discuss recent sexual assault cases resulting in large monetary damages. The cases were decided on the following grounds:

- 1. Negligence due to “serious deficiencies in training, manpower, equipment, and morale” of a college security force.
- 2. Inadequate prevention, if assault was “foreseeable.”
- 3. Misrepresentation to students and parents “that the campus was reasonably safe and that no unusual steps needed to be taken to ensure safety from violent assaults.”
- 4. Substandard facilities and care compared with standards required by states in landlord-tenant relationships or motel safety.
- 5. Inadequate campus lighting.
- 6. Disciplining a student for an alleged offense without providing due process.

The attention this issue now commands reflects changes in individuals' and society's attitude toward sexual offenses. In the late 1970s, when I testified before Congress as a rape survivor to urge continued abortion funding for low-income rape victims, one member of Congress was overheard in a committee meeting to say, "The issue is not whether or not the woman was forced, the issue is how much she enjoyed it." More recently, the Senate confirmation hearings of Clarence Thomas and the rape trials of William Kennedy Smith and Mike Tyson have etched sexual offense issues prominently in the public's mind and have forced institutions and individuals to examine their beliefs and practices.

■ Creating change

The actions of Antioch College students in fall 1990, such as the taping demonstration described above, were effective in bringing the issue of sexual violence to the attention of the Antioch community. They were creative as well as educational, but they also brought about tension, debate, and conflict—some of which continues more than a year later as the policy is being implemented. Fortunately, education on the issue also continues, as the community works together to review, redraft, and strengthen its policy.

Although the Antioch students who wanted a policy against rape and other sexual offenses thought it took a long time for trustees to approve a policy in fall and winter 1991, I thought the campus governance system worked remarkably quickly. In less than a year, the college established a policy and hired an advocate to oversee the creation of a complaint-hearing process and campuswide educational programs, as well as the training and supervision of peer educators and counselors.

The process at Antioch College involved all members of the community

through the Administrative Council (ADCIL), which includes representatives of the administration, staff, faculty, and students and is chaired by the president. ADCIL met for long hours over several weeks to draft and redraft policy proposals and ultimately reach agreement. Alan Guskin, Antioch's president, was supportive throughout. At the trustees' meeting following the first call for a sexual offense policy, the board's student life committee brought the policy for full board approval, and the board quickly acted.

Unfortunately, some at Antioch now believe trustees may have moved too quickly to approve a policy. In an effort to develop a policy that unambiguously states the college's opposition to sexual offenses and protects the rights of the victim/survivor, our haste may have resulted in inadequate due-process protection for the accused. Even the use of the term "survivor" assumes the accused is guilty. As a result, "survivor" was changed to "primary witness," and the accused is referred to as the "respondent." Such neutral language protects the due-process rights of all involved.

Also, we discovered we needed to clarify the concept of consent to help define the nature of educational programs and, hopefully, to influence the way individuals behave. We want to prevent situations in which the primary witness honestly thinks that he or she expressed unwillingness to engage in sexual activity and the respondent honestly thinks that consent was given. If both parties understand, for example, that No means No and that Maybe might be interpreted as Yes, the concept of consent becomes less ambiguous. The openness with which we are dealing with this reflects an important institutional flexibility and an evolving norm.

Those principles that are most important to include in a campus policy are summarized on the next page.

The basics of an effective Sexual offenses policy

■ 1. Definitions of various sexual offenses, including rape, sexual assault, and insistent or persistent sexual harassment, should be specific and clear.

■ 2. Clear statements prohibiting sexual offenses must be included.

■ 3. The language of definitions within the policy should be free of bias with respect to gender, culture, and sexual orientation.

■ 4. The policy should help community members understand the nature and language of consent. Consent should be defined as willingly and verbally agreeing to engage in sexual conduct. Consent should be an ongoing process and should be obtained for each level of physical or sexual contact. Consent to one level of activity—say, a kiss—should not mean that consent is assumed for further intimacies. Consent should not be confused with submission, which may occur if the victim finds that denial of consent and objection to the violence of the rape are unsuccessful in preventing it.

■ 5. Procedures for determining if violations have occurred should be clearly described, including a detailed list of the responsibilities of a primary witness advocate, an administrative hearing/discipline board, the dean of students, and others who may be involved. Any hearing or discipline process must ensure that all parties involved receive due process. Issues of confidentiality for the primary witness and the responder must be very specifically addressed in the policy.

■ 6. The policy should require education programs for all members of the community about the policy and its implications, stressing the consequences of the hearing process.

■ 7. The policy should encourage a sensitive and supportive environment for victims/survivors. Trained personnel should be available to counsel and advise victims of rape and sexual assault. A peer-support network and a victims' advocate are required at Antioch.

■ 8. The policy should require ongoing

education programs designed to reduce the incidence of sexual offenses. These should include information on healthy sexual relationships as well as on harmful, abusive relationships, sexual harassment, sexism, dating, gender roles, power and control, and prevention of offenses.

Graduation at Antioch College requires documentation by the registrar that students have attended a sexual-offense education program. Additionally, self-defense courses should be offered. The instructor should be female and teach self-defense, not introductory martial arts. While male students may of course attend, the course should be designed for women. With the increasing internationalization of many campuses, education programs also should address different cultural values and customs.

■ 9. The policy should make clear that use of the criminal justice system is an option, as is the use of the college hearing-board process and system of penalties, and that both avenues, or neither, can be pursued. At Antioch, victims wishing to initiate legal proceedings will be provided with the assistance of the victim advocate and emotional support. College procedures cannot substitute for legal proceedings, if warranted or desired. Educational programs about sexual offenses should include information about legal penalties and notification that victims will have college support if they choose to take their cases to court.

■ 10. Colleges should establish offender-treatment programs, with specific funds set aside for counseling and referral services.

■ 11. Penalties may include publication of the findings, removal of the offending student from campus, prohibiting the offender from attending classes with the survivor, or noting a finding on the offender's permanent academic record. Possible penalties for sexual offenses should be spelled out clearly in the policy.

---K.M.

■ Faculty-student sex

An equally troubling and related issue that trustees should consider as they review their own institution's sexual offense and harassment policies is the issue of consensual sexual relationships between students and faculty. In 1990, the faculty at Antioch College passed a policy stating: "The faculty-student relationship, however warm and caring, inherently involves disproportionate power and influence on one side and is thus liable to abuse. A sexual relationship between a faculty member and a student can not only exploit this imbalance, but also distort and inhibit the learning environment. For these reasons, it is the agreement of the Antioch College faculty that sexual relationships between Antioch College faculty members and Antioch College students are unacceptable and constitute professional misconduct."

Whenever there is a power imbalance in a relationship, as exists between faculty and students at a small college, the institution should state clearly that it does not condone a sexual relationship. It not only is inappropriate with regard to the two individuals involved, but it can create an unfair situation for other students who do not receive the favored treatment that the faculty member may give his or her sexual partner.

At Antioch, the college faculty approved the policy with little debate, and the board of trustees adopted it as well. However, when the other Antioch campuses in California, Washington state, and New Hampshire (where the average student age is in the 40s) were asked to assent, students and faculty hesitated. They asserted that in an atmosphere in which trusted adults are encouraged to behave reasonably, written policies were not necessary. They wondered why consensual sexual relationships were singled out when other consensual relationships in which a power imbalance exists could be just

as questionable. Such relationships might include business or psychotherapeutic relationships.

Deadlines came and went without the "adult" campuses' implementation plans being submitted to the board. But trustees were not concerned, because it

Resources on Campus rape

"Friends" Raping Friends: Could It Happen to You? Sensible advice on all aspects of acquaintance rape. Describes the nature of such assaults, what can be done to avoid situations that might lead to it, and what to do if it occurs. Available from the Center for Women Policy Studies, 2000 P Street, N.W., Washington, D.C. 20036.

Campus Gang Rape: Party Games examines the dynamics of campus gang rape; fraternity parties; the role of alcohol, drugs, and pornography; legal remedies for victims; and prevention programs. Includes more than 100 recommendations for institutions and an extensive list of resources. Available from the Center for Women Policy Studies.

Sexual Assault on Campus: What Colleges Can Do, Aileen Adams and Gail Abarbanel, describes programs and policies that enable institutions to reduce the incidence of sexual assault on their campuses and respond effectively to the victims of these crimes. Available from the Rape Treatment Center, Santa Monica Hospital Center, 1225 15th St., Santa Monica, Calif. 90404.

Fraternity Gang Rape: Sex, Brotherhood and Privilege on Campus, Peggy R. Sanday, explicitly exposes sexual offenses on campuses and should be required reading for university administrators and trustees. Published by New York University Press.

Also available in fall 1992 will be an AGB Special Report, *Sexual Harassment and Date Rape: Policy Guidelines for Boards*, by Bernice R. Sandler. Part of the Campus Life Policy Series, this book will offer advice to boards on developing sexual harassment policies.

was clear that the campus communities were seriously debating and considering how best to implement such policies. Ultimately, the other campuses adopted implementation plans that recognize that on campuses with older undergraduate and graduate students, it is possible for faculty and students without a power imbalance in their relationship to have sexual and other relationships that are not inappropriate.

According to the policy adopted by the Antioch University campuses in southern California: "Dual relationships between students and faculty/staff/administrators are potentially problematic because they may lead to favoritism, prejudicial evaluation, or abuse of power. Dual relationships include, but are not limited to, business associations, consensual sexual relationships, and psychotherapeutic relationships. These dual relationships are particularly problematic when either party is in a position to evaluate the other's academic or professional performance or to exercise judgment in the application of a university policy or procedure."

■ Trustee responsibility

As men and women charged with governing the nation's institutions of higher learning, we are obliged to do the following:

- Inform ourselves about campus policies related to sexual offenses and sex discrimination as well as federal and state laws prohibiting discrimination on the basis of gender,

- Continually work to improve these policies,

- Require appropriate campus education programs, and

- Ensure that policies protect the rights of the accused as well as the accuser.

To do less will, in effect, condone the unthinkable practices of rape, sexual assault, and harassment, and may expose our colleges to costly and unnecessary liability. ■



Karen Mulhauser, a trustee of Antioch University in Yellow Springs, Ohio, is a management and public-affairs consultant in Washington, D.C.