

WGS 296A
Sexual Assault Prevention Workshop

Final Report

Recommendations for Improving Sexual Assault Education,
Prevention and Response at Washington and Lee University

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PART ONE: SEXUAL ASSAULT AT WASHINGTON AND LEE UNIVERSITY (W&L)

Reported by Team Yellow: Emily Coyle, Kendal O’Leary and Brooke Reidy

On average, 600 women are raped each day in the United States.¹ Nearly 17% of American women have been victims of either an attempted or completed rape in their lifetime,² where up to 51% of these sexual assaults may have been committed against women ages 16 to 21.³ Disturbingly, the incidence of rape among women ages 16 to 24 is up to four times higher than that for all women,⁴ making this an extremely vulnerable time for women in terms of sexual assault. College women are particularly susceptible to sexual violence; according to a recent National College Women Sexual Victimization survey, between 20 and 25% of women will experience rape or attempted rape while in college.⁵ Furthermore, the U.S. Department of Justice reports that each year, approximately 35 rapes occur per 1,000 college women.⁶ Given these statistics, it is no surprise that rape is the most commonly occurring violent crime on college campuses today.⁷

There is often confusion or ambiguity about the formal definition of sexual assault or rape, which may contribute to its prevalence and a misunderstanding of the true nature of sexual assault and its pervasiveness on college campuses. A clear definition of sexual assault is any “nonconsensual, intentional physical contact of a sexual nature, such as unwelcome contact with

¹ 1995 report by National Victim Center, as cited in the 2008-2009 Sex at W&L handbook.

² According to the National Institute of Justice & Centers for Disease Control & Prevention’s (1998) Prevalence, Incidence and Consequences of Violence Against Women Survey.

³ Extrapolated from Randall and Haskell’s (1995) Women’s Safety Project survey.

⁴ Humphrey and Kahn (2000). “Fraternities, Athletic Teams and Rape: Importance of Identification with a Risky Group.” *Journal of Interpersonal Violence*, 15, 1313 – 1322.

⁵ Fisher, Cullen and Turner (2000). *The Sexual Victimization of College Women*. Washington, DC: National Institute of Justice and Bureau of Justice Statistics (NCJ 182369) [“The Fisher Report”].

⁶ Based on the (2000) Fisher Report.

⁷ From Finn’s (1995) *Preventing Alcohol-Related Problems on Campus: Acquaintance Rape – A Guide for Program Coordinators*.

a person's genitals, buttocks, or breasts.”⁸ Such contact may range from touching or kissing to attempted or completed sexual penetration. Sexual penetration is “any degree of insertion of any object into a person's anus or vulva, or any degree of insertion of genitalia into the mouth,” where nonconsensual sexual penetration constitutes rape, an egregious form of sexual assault. Consent involves mutual initiation of sexual acts or verbal agreement to specific sexual acts. Previous sexual contact, silence, incapacitation, or agreement to activity given under force or threat of force do not constitute consent.

In light of the prevalence of sexual assault nationally, sexual assault on college campuses generally, and sexual assault at W&L in particular, this fall's Women's and Gender Studies seminar on sexual assault prevention (WGS 296A) have developed a proposal for change at W&L to address the often complex problem of college sexual assault. This proposal addresses first the potential factors contributing to college sexual assault, both nationally and at W&L. Succeeding sections will discuss the specific changes proposed by this class to address the prevalence of sexual assault at W&L, with the goal of eradicating it entirely. Recommendations are made following in-depth empirical research about W&L as a campus and are thus tailored to the unique history and climate that characterizes this university.

Contributing Factors for College Sexual Assault

Academic readings on college sexual assault led us to the conclusion that the greatest contributor to sexual assault of college women at the national level is the rape culture in which we live, which is perpetuated by rape myths endorsed by those living in that culture. At W&L, we hypothesized that there are four specific factors that contribute significantly to the high incidence of sexual assault:

⁸ Students Active for Ending Rape (SAFER): Campus Policy Definitions of Sexual Assault
<http://safercampus.org/campus-policy-definitions-of-sexual-assault>

1. W&L students endorse attitudes that contribute to the prevalence of sexual assault and allow it to persist. Moreover, these attitudes may discourage reporting.
2. W&L is a male-dominated culture in and out of the classroom, which contributes to the prevalence of sexual assault and normalizes behaviors that victimize women.
3. W&L is structured socially and residentially in a manner that facilitates sexual assault.
4. The manner in which alcohol is consumed at W&L facilitates sexual assault.

Through our research, we confirmed each of these hypotheses. After explaining what we mean by “rape culture,” we will review the survey and interview data that confirmed each hypothesis. We will first begin with a discussion of rape myths and then move to addressing how these myths, coupled with the attitudes on campus and the structure of the W&L social and academic scenes, may contribute to an environment in which sexual assault can occur, in which sexual assault is tolerated, and in which reporting of sexual assault is discouraged.

Rape Culture in America

Americans live in a rape culture, which is aptly defined by Buchwald and colleagues (1993) as “a complex of beliefs that encourages male sexual aggression and supports violence against women ... a society where violence is seen as sexy and sexuality as violent.”⁹ Building on this definition, a rape culture is a sociopolitical environment in which the attitudes and cultural norms for behavior facilitate sexual violence and, relatedly, male dominance of women. These attitudes and behavioral norms at least partially contribute to myths about rape; these myths in turn reinforce the rape culture. Such myths permeate all aspects of American culture and are therefore also prominent at W&L. In particular, three rape myths reveal major misconceptions about rape and sexual assault nationally and at W&L.

⁹ Buchwald, Fletcher, and Roth (1993). *Transforming a Rape Culture*. Milkweed Editions: Minneapolis.

Myth: Rape can only occur in dark alleys by strangers. Rape cannot happen in “safe” places (like W&L).

One of the most common misconceptions about how rape happens is that it is brutally perpetrated by a stranger. Susan Brison, an associate professor at Dartmouth University, experienced a paradigmatic case according to this myth, when she was violently raped and almost murdered by a stranger while taking a daytime walk alone during a vacation in France.¹⁰ The foreign, shocking, and violent nature of Brison’s rape story is tragic and very real, but is also easy to hear without personally fearing for one’s safety. Many individuals, including college students, have this perception of sexual assault, and therefore believe that they are generally immune from the risk of rape in their campus communities. This is the case at W&L, where many female students have reported that they “felt entirely safe at W&L,” and that there was no way anyone would sexually assault them here.¹¹

However, statistics show that for many college students, particularly those currently attending W&L, college campuses are not immune to sexual assault. According to the most recent W&L Core¹² survey, in 2009 alone 25.4% of female undergraduate students experienced sexual battery (touching against their will), which is more than twice the national average; 7.4% experienced attempted rape, twice the national average; and 6.5% were raped, more than three times the national average in 2008.¹³ Of the women who had been sexually assaulted, 26% of the assaults occurred in a campus residence hall, 32% occurred in Greek housing and 37% occurred

¹⁰ Brison (1993). “Surviving Sexual Violence: A Philosophical Perspective.”

¹¹ Based on information from Meredith Welch’s (2000) survey for her senior thesis on sexual assault at W&L.

¹² According to Dr. Jane Horton of the W&L Student Health Center, “The CORE Survey was developed by prevention professionals ... [for] use in the higher education setting.” The survey is used by two-year and four-year schools that represent the many geographical regions of the United States and collects information regarding a broad range of health and mental health issues, including alcohol use and sexual assault prevalence.

¹³ Because the national comparison is only available through the National College Health Assessment (NCHA), which is administered every other year, and not through the Core survey, which at W&L is administered on an alternating basis with NCHA, this is the closest year for which a comparison is available. (See Part Two for more information on Core/NCHA surveys.)

at an off-campus house or apartment.¹⁴ Taken together with the national statistics that a) over 50% of rapes occur in a residence¹⁵ and b) 90% of victims know the perpetrator,¹⁶ these findings demonstrate that college sexual assault is a common event that occurs in private residences with a familiar perpetrator.

Myth: It is women's responsibility to prevent rape.

In our society, a prevailing attitude about rape victims suggests that “if you are attacked, it’s because you did something wrong.”¹⁷ According to Pamela Foa, this conception of rape stems from a traditional, or Victorian, view of all sex as a pleasurable act, where women, in admitting that they engaged in sex, must have somehow seduced men into engaging in that act and also must have enjoyed it.¹⁸ This idea is highlighted by W&L alumna Meredith Welch in her senior thesis about sexual assault. Welch reports that most of the W&L students that she surveyed held women responsible for giving a strong refusal of consent if sexual activity was not desired, and if mixed messages were present in a given situation, the respondents were unwilling to call it rape. Moreover, most students blamed the victim for the assault, for what she drank or where she was; in 2000, only 36% of men and 29% of women thought it was mostly men’s responsibility to prevent rape.¹⁹

This attitude is reflected in many of the prevention strategies currently promoted at college campuses around the country; W&L is no exception. In the 2008-2009 “Sex at W&L” handbook, a resource guide on sexual assault distributed to first-year female students during their fall term sexual assault education program, risk reduction strategies (for women) included: using

¹⁴ Results from the 2009 Core survey.

¹⁵ VAASA Volunteer Manual, Second Edition, as cited in 2008-2009 Sex at W&L handbook.

¹⁶ Based on the (2000) Fisher Report.

¹⁷ Brison (1993). “Surviving Sexual Violence: A Philosophical Perspective.”

¹⁸ Foa (1977) “What’s Wrong with Rape.”

¹⁹ Meredith Welch, “Sexual Assault at Washington and Lee,” Department of Sociology senior thesis (2000).

the buddy system when going out to parties, avoiding secluded places, avoiding leaving a party with someone you have just met, and watching out for troublesome situations.²⁰ This advice, while practical, clearly illustrates that the majority of prevention efforts focus on what *women alone* can do to protect themselves from being assaulted. This sets up a situation where all women bear the responsibility for criminal behavior against them and therefore contributes to a culture that blames victims instead of perpetrators. This type of orientation to prevention is troubling and fails to acknowledge that rape is a crime against humanity generally, as well as a crime against an individual woman specifically.²¹ Sexual violence victimizes all women, not only those who experience sexual assault, by forcing them both to worry about potential assaults in the future and to limit social behaviors in order to stay safe.²²

Myth: Often women lie about rape.

The myth about false reports of rape is tied to the myth that rape is women's burden. More specifically, the idea that women lie about rape seems to be related to a cultural double standard of sex, where, according to Welch, it is assumed women will make up a rape accusation to protect their reputation from a charge of looseness, and it is assumed that men will push because they are "supposed" to want frequent sex and at any cost, sometimes taking "no" to mean "yes"²³ and sometimes becoming overwhelmed by sexual desire so as not to care. This illustrates both the idea that it is women's responsibility to guard their bodies from men and that any violation of a woman's body is, for the victim, a preventable, regrettable event; women are given virtually no credibility when reporting sexual assaults because the default assumption is

²⁰ 2008-2009 Sex at W&L handbook. Note that the current handbook was not given to first year students at their fall term sexual assault education programming, which is sponsored by two student organizations, SPEAK and 1 in 4.

²¹ May and Strikweda (1994). "Men in Groups: Collective Responsibility for Rape."

²² Brison (1993). "Surviving Sexual Violence."

²³ Welch 2000.

that women who report are simply covering up an act that they enjoyed and about which they now feel guilty.

Many W&L students believe that sexual assault rates are so high because of, as one male student said, “unclear situations where girls regret what they did or didn’t know exactly what they wanted.” The myth that rape is often nothing more than regretted sex contributes both to the misperception of “true” rape as solely a violent act perpetrated by a stranger²⁴ and also the general attitude, nationally and at W&L, that the statistics regarding reports of rape are unrealistically high.²⁵ In contrast however, statistics reveal that this belief about false reporting is unfounded. According to a recent FBI report, 92% of all reported rapes are confirmed;²⁶ that means that only 8% of reported rapes are unsubstantiated, which is the same rate as that of any violent crime.²⁷ Sadly, rape is also the most underreported crime, where an estimated 66% of attacks are not reported to authorities.²⁸ Furthermore, rape has the lowest conviction rate of any major felony,²⁹ where statistically only 5% of the time a man who rapes ends up in prison, while 95% of the time he does not.³⁰

Taken together, the facts and the beliefs about rape do not match up. The myths about rape perpetuate a culture that denies the reality of sexual assault in society generally and on college campuses, blames victims for sexual assaults that occur (especially without force or violence) and inclines people to refuse to listen to or believe victims when they come forward to report a crime committed against them. These myths contribute to a climate where women,

²⁴ There is a definite confusion about what constitutes rape. For example, in the Fisher report, respondents were asked, “Do you consider this incident to be a rape?” for each incidence report given. For the 86 incidents categorized as a completed rape, 48.8 percent (n = 42) answered “no,” and 4.7 percent (n = 4) answered “don’t know.”

²⁵ Compiled from fall 2009 interviews with fraternity men at W&L.

²⁶ As cited in the 2008-2009 Sex at W&L handbook.

²⁷ Welch 2000.

²⁸ Report from the American Medical Association (1995), as cited in the 2008-2009 Sex at W&L handbook.

²⁹ Welch 2000.

³⁰ As published on the 1 in 4 national website.

particularly those on college campuses, are silenced and do not feel as though they can report a sexual assault or that such a report would accomplish anything. W&L is no exception to this national norm and is, in fact, an environment that facilitates an alarmingly high prevalence of sexual assault that is double the national rate of sexual assault on college campuses. This, when considered with the low number of sexual assaults formally reported at W&L,³¹ illustrates that in this academic community, the forces that facilitate sexual assault and inhibit reporting of these offenses are alive and well.

Next we turn to the survey and interview data that confirm each of our four hypotheses regarding sexual assault at W&L.

Conclusion 1: W&L Students' Attitudes Contribute to the Prevalence of Sexual Assault, Allow it to Persist, and Discourage Reporting

In a survey³² of 258 undergraduate and law students at W&L, 98% of all respondents agreed with the statement “sexual assault must be prevented.” However, men believe sexual assault at W&L is a less important problem than do women.³³ Undergraduates believe sexual assault to be a greater problem than do law students.³⁴ By regarding sexual assault as a female, undergraduate problem, the community fails to take responsibility for what is a community-wide problem. Women responding to the survey perceived date rape drugs to be used more frequently than did men.³⁵ This suggests that many women may be the victims of a small group of men; it further illustrates that women may discuss dangerous situations with one another while men do not, leading to the gap between men's and women's beliefs about the prevalence of sexual assault at W&L. Although law students disagreed with the statement “sometimes women are just

³¹ According to W&L's Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Reports from the past three years, only one sexual assault has been formally reported.

³² This survey assessed attitudes in a variety of formats, including yes/no questions and questions measuring agreement with statements along a scale from 1 (completely disagree) to 4 (neutral) to 7 (completely agree).

³³ $F(1, 199) = 6.08, p < .05$. Mean for women = 5.34 ($SD = 1.53$), mean for men = 4.47 ($SD = 1.71$).

³⁴ $F(1, 199) = 5.10, p < .05$. Mean for undergraduates = 5.15 ($SD = 1.62$), mean for law students = 5.04 ($SD = 1.67$).

³⁵ $F(1, 199) = 14.27, p < .001$. Mean for women = 3.95 ($SD = 1.40$), mean for men = 2.93 ($SD = 1.46$).

asking for sex (through their style of dress, dance, etc),” undergraduates endorsed a mean attitude score closer to neutral, with no difference in attitude between the genders.³⁶ This sentiment may contribute to victim-blaming among undergraduates. Although both men and women disagreed with the statement “it isn’t rape if the person who did not initiate sex was under the influence of alcohol,” men endorsed this statement more than women did.³⁷ Again, there is a gender gap in beliefs about responsibility for sexual assault.

However, it is not simply attitudes about sexual assault or rape in particular that can contribute to the prevalence of sexual assault or a culture in which such activity is tolerated. Consistent with the aforementioned disconnect between the genders, a difference in sexual expectations was found, with women perceiving a greater expectation that if they were invited to a fraternity formal with a man, they would be expected to engage in sexual activity; men did not as often agree that there was such an expectation.³⁸ Even the ability to discuss sexual assault can be an indicator of a community’s tolerance of sexual assault. When asked whether he or she had engaged in a candid discussion with a member of the opposite sex about W&L’s sexual assault statistics, no gender differences were found but undergraduates were split roughly evenly between those who had and those who had not, while the majority of law students had not had such a discussion.³⁹ Not discussing these issues perpetuates the gender divide in the belief about the prevalence of sexual assault at W&L.

Attitudes about reporting sexual assaults to an authority indicate students’ orientation toward tolerating the prevalence of sexual assault as a community. Respondents to the survey were asked to weigh relative harms: the harm inflicted on the victim of a sexual assault by virtue

³⁶ $F(1, 199) = 6.84, p = .01$. Mean for undergraduates = 3.66 ($SD = 1.77$), mean for law students = 2.79 ($SD = 1.82$).

³⁷ $F(1, 199) = 5.80, p < .05$. Mean for women = 1.46 ($SD = 0.99$), mean for men = 1.92 ($SD = 1.08$).

³⁸ $F(1, 199) = 7.49, p < .01$. Mean for women = 3.63 ($SD = 1.71$), mean for men = 2.76 ($SD = 1.60$).

³⁹ $\chi^2(1, N = 240) = 4.35, p < .05$.

of being assaulted and the harm inflicted on the perpetrator of the assault by virtue of being reported and possibly sanctioned for his actions. There was a significant gender difference in attitudes about how these harms compared. Women were split, with roughly two-thirds (65.8%) feeling that the harm that befell the victim was worse than the harm that would befall the perpetrator because of a report, and one-third (34.2%) of women feeling that the harm to the perpetrator caused by the report was worse than the harm to the victim caused by the sexual assault. Men were almost evenly split, with nearly half (46.0%) feeling the harm to the victim was worse and slightly more than half (54.0%) feeling the harm to the perpetrator was worse.⁴⁰ Certainly a campus climate in which one-third of women and more than half of men feel that reporting a crime is a greater harm than committing that crime in the first place will discourage reporting and contribute to a climate of secrecy and shame that serves to perpetuate the high prevalence of sexual assault at W&L.

Victim-blaming in particular is one attitude reiterated among students that may contribute to the prevalence of sexual assault and certainly to a community that tolerates sexual assault and a climate that discourages reporting. A female resident advisor to first-year students (RAFY) attributes the lack of reporting to the prevalence of shame and stigma, “right now, it’s such a stigma; people are so ashamed of their sexual assault and feel horrible about it.”⁴¹ Furthermore, she described the inability of many hall residents to recognize experiences of sexual assault, saying, “residents don’t consider sexual assault as sexual assault. [They] think that they’re overreacting.” Dean of First-Year Students David Leonard shared concern about what he described as a “code of silence on campus,” where “everyone’s drunk on campus, so there’s a

⁴⁰ $\chi^2(1, N = 242) = 9.04, p < .01$.

⁴¹ Systematic interviews were conducted in November and December 2009 of faculty, staff, administrators, and student leaders across the W&L community to obtain their perspectives about rape and sexual assault prevalence and prevention, the nature of sexual assault at W&L, as well as who bears the responsibility for prevention (faculty, students, and/or administration).

constant cloud of confusion regarding what happened in a situation. W&L is the perfect storm: rural, high Greek percentage, recently co-ed. There's a code of silence among peers and we need more bystander intervention."

Conclusion 2: Male-dominated Culture Contributes to the Prevalence of Sexual Assault and Normalizes Behaviors that Victimize Women

W&L embodies a male-dominated culture. This may stem from the relatively recent adoption of coeducation in the 1980s, but it is perpetuated by the few women in student government and other high-ranking student leadership positions, and in the structure of Greek recruitment rules, which drive most evening socialization onto male territory.

In terms of student power on campus, the students who hold the most power are those who sit on a body like the Executive Committee (EC), Student Judicial Committee (SJC), Student-Faculty Hearing Board (SFHB), or those who head such a body and thereby sit on the Student Affairs Committee (SAC), the body with the power to make most important student affairs decisions at W&L, by virtue of the power vested in it from the faculty. However, few women sit on any of these individual bodies and no women chair these bodies. For example, there are eight male undergraduates on the EC but there are no female undergraduate leaders. Similarly, there are four male undergraduates on the SJC, but no female undergraduates. The trend continues on SAC, where the sole undergraduate woman currently sitting on the committee is the Panhellenic president. The female voice in such power-holding bodies is necessary to ensure equality among men and women in education and may translate to the manner in which men are viewed relative to women at W&L generally. When asked what at W&L needs to change in order to reduce the prevalence of sexual assault, survey respondents⁴² were split along gender lines. The majority of women (55.4%) believed that the proportion of women in student

⁴² WGS 296A online survey of 258 undergraduates and law students.

government at W&L needs to change in order to reduce the prevalence of sexual assault; men overwhelmingly (94.2%) felt that this is not the case.⁴³

Interviews with the administration, faculty, and student body emphasized the importance of female leadership in student government to give women a voice. Regarding the male-dominated social scene, the female SPEAK⁴⁴ president described the male-dominated culture as the first and most influential obstacle to female leadership on campus, saying that “from the outset, women are ingrained with the belief that men control the social scene and that to challenge a man’s ‘authority,’ they will have no place in the social culture here. This fear is a debilitating one, as the party atmosphere and Greek community are an overwhelming presence at this school and many students feel as though they will not have a place on this campus if they cannot partake in that environment.” She believes that the pattern of silence and fear begins early in the experiences of W&L women, when they are struggling to gain a sense of place and approval from Greek women on campus. A senior sorority woman emphasized the importance of female participation in student government, saying that more senior women could help reduce first-year women’s fear by “encouraging first-year female involvement in campus leadership positions [and encouraging female students] to stand out positively, and not to simply conform/blend in.”

Another Greek woman referred to “the old boys’ club mentality” as a source of fear, which inhibits women from trying to “break in” to what is a male-dominated system of student government. Perspectives from administration and faculty paralleled students’. Dean Leonard voiced his wish that W&L women would “assert themselves and change the male-dominated environment.” Another member of the Student Affairs staff commented that “women on campus

⁴³ $\chi^2(1, N = 241) = 58.06, p < .001$.

⁴⁴ SPEAK is a student organization dedicated to educating women about sexual assault and raising awareness. They facilitate the fall sexual assault education provided to first-year women.

don't stand up for what they believe in" and instead "allow themselves to be objectified." This staff member added that W&L needs to move away from "women as victims" and move towards "women as empowered" individuals.

At W&L, over 80% of the students, both men and women, are involved in the Greek system. Thus, this is the dominant social structure on campus. However, formal recruitment for both systems occurs after the fall term, in January. This results in the first term of the year being used for "informal recruitment," a process by which fraternities and sororities get to know the potential new members, and vice versa. Informal recruitment for sororities involves strict rules about alcohol consumption with potential new members, so sororities cannot hold parties in the fall that are open to first-year women. Fraternity recruitment has no such rule, instead encouraging alcohol consumption, and thus, fall parties are overwhelmingly held at fraternity houses and off-campus houses leased by fraternity men. This drives the social scene onto male territory and out of female control. Most women (79.4%) surveyed⁴⁵ said that male control of the W&L social scene needed to change in order to reduce the prevalence of sexual assault; men were split, with over two-thirds (69.8%) feeling this was not the case and just under one-third (30.2%) agreeing that male-dominance did need to change.⁴⁶

These attitudes may be a consequence of W&L male undergraduates' failure to grasp the severity of the sexual assault problem on campus. The male students interviewed repeatedly belittled the problem of sexual assault on campus. The current Interfraternity Council (IFC) president expressed a view that strongly illustrates the normative nature of sexual assault in the campus social scene. Describing the major cause of sexual assault as the "hook-up culture of our generation," he went on to suggest that W&L also has "a culture of learning by mistakes" in

⁴⁵ WGS 296A survey of 258 undergraduate and law students (2009).

⁴⁶ $\chi^2(1, N = 241) = 56.55, p < .001$.

which “we need to let our friends make mistakes to learn.” Dismissing sexual assault as “a fine line between personal responsibility and [an] assumption that friends will take care of you” he understands the dangers with which women are forced to cope in the social sphere of fraternity parties as a matter of trial and error, in which consequences can help “our friends learn.” Furthermore, he describes “the false sense of security at W&L” as “not necessarily a bad thing.” Just as it is acceptable for sexual assault perpetrators to “make mistakes,” the toxic climate in which women are sexually assaulted at an outrageously high rate is “not necessarily a bad thing.” In essence, men such as the IFC president fail to acknowledge the consequences of this problem on victims and on the university community as a whole. This statement is especially revealing as to the lack of awareness and sensitivity and/or indifference of many male students.

The essential attitude that undergraduate men conveyed is that they are not necessarily appalled about the prevalence of sexual assault on W&L’s campus because, from their perspective, they do not suffer in a rape culture; on the contrary, they may even benefit from the lack of accountability and visibility. As a Student Affairs staff member pointed out, the incentives for allowing the problem to go unaddressed are greater than the incentives to challenge the status quo. “Greek men don’t want to help out. Why would they change a system that puts them in charge? They will support the status quo.”

Additionally, many undergraduate men share the view expressed by one fraternity man who referred to the problem of sexual assault as “an internal issue,” one in which “the entire campus is not part of the problem.” He asserted that the sexual assault problem should not be made visible in a manner exposing it through “obnoxious signs”⁴⁷ all over campus that are “awfully embarrassing” when “friends or family come to visit.” The attitude that this problem does not involve the entire campus implies a lack of responsibility regarding male efforts to

⁴⁷ A reference to the END IT posters to raise awareness about sexual assault.

address and change the campus culture, and the wish to remove awareness-raising posters highlights a desire to hide the problem of sexual assault at W&L. The majority of undergraduate men interviewed echoed the sentiment that male accountability was not a priority, either due to misunderstandings of what constitutes sexual assault or due to denial of the legitimacy of sexual assault as a real problem on campus.

Despite the fact that many students fail to comprehend the gravity or the prevalence of sexual assault at W&L, other members of the W&L community recognize how the traditions of male-domination on campus contribute to, as one faculty member stated, a truly “toxic environment for women,” where men learn to conform and tolerate the “inhumane, disgusting set of expectations that occur here.”

According to a faculty member, “the issue on campus is two-fold: men behaving badly and women not feeling empowered.” Seemingly, men at W&L denigrate women as a form of male bonding, such that, as a male peer counselor said, “women are treated more like objects than people.” A faculty member concurred, saying that women are “treated like social capital” and are considered to be “second class citizens, in a social perspective.” Therefore, although many students may be blind to the manner in which male social dominance contributes to sexual assault, administrators, faculty, staff, and a minority of students acknowledge the effects of a male-dominated social scene on female subordination and victimization at W&L.

Conclusion 3: W&L’s Social and Residential Structure Facilitates Sexual Assault

W&L is considered to be a residential college. However, it is only during their first year that all students truly live on campus. Students are still required to live on campus sophomore year, however Greek housing is considered to meet this requirement and many of the fraternity houses are nearly half a mile from the main campus. Because the students are majority Greek,

many of the sophomore men move to these fraternity houses that are effectively off campus, while many of the women live in sorority houses that are adjacent to the main campus. Finally, after sophomore year, students are no longer required to live on campus and the majority of students move off campus. In part, this may stem from the fact that the on-campus population is comprised mainly of first-years and sophomores, but it also comes from the fact that housing on campus for upper-division students is not desirable and does not foster a sense of a residential community with well-furnished common spaces.

This living pattern means that most of the students living on campus are underage, while those living off campus are over 21. Thus, parties are held off campus at fraternity houses and student-leased houses in the city of Lexington as well as out in the surrounding countryside. As has already been discussed, most of these parties, especially those held in the fall, are at men's houses. Students must navigate their way back from these parties after consuming alcohol or stay the night at men's houses; staying the night can present a dangerous situation for a woman whereby she, in her intoxicated state and at a men's house, is vulnerable to assault in a way that is distinctly different than would be the case for a man in her position. Moreover, she is not coming back to campus to the oversight of a residential advisor (RA) or to her friends.

Increasing the proportion of students living on campus and the proportion of parties held on campus is not a popular option among students. The majority of students (88.5%) surveyed⁴⁸ disagreed that students living off campus is something that needs to change in order to reduce sexual assault. However this may reflect a hesitancy to consider changing how we live and socialize. Moreover, increased housing on campus would not necessarily mean the death of the W&L social scene. Instead, it would mean moving the social scene on campus, out of the town and out of the men's houses. It may be hard for students to imagine such a change as it stands

⁴⁸ WGS 296A survey of 258 undergraduate and law students (2009).

now, with so little residential life at W&L at present, since the current arrangement forces a choice between staying on campus and being sober and relatively alone, and leaving campus for alcohol and a large group of people with whom to socialize.

Many W&L administrators expressed W&L's need for on-campus housing to help rectify gender inequality on campus. Dean Leonard stated, "we need 80 to 90 percent of students to live on campus, and we do that by diversifying the housing and making it a place people want to live. We need more sororities (gender equity). We need an interdisciplinary first-year experience that's focused on intellectual vibrancy, health/safety and academics." These sentiments were echoed by the Associate Provost, Dr. Robert Strong, who said that the current state of university housing at W&L "interrupts healthy first-year interactions with Greek housing." Dr. Strong said W&L "needs to look at good student housing options to have healthier, more equitable situations" for students. Dean of Students Dawn Watkins suggested that W&L expand their housing requirement to at least three years. According to Dean Watkins, sexual assault is not necessarily "a Greek issue. It's an on-campus issue," because the university can only monitor unhealthy partying behavior that occurs at parties on campus. Because of this, many other members of the W&L community, like PE instructor, men's swimming coach, and CAIR resource⁴⁹ Joel Shinofield, advocate for a more "residential approach to [our] school" that reflects more socioeconomic diversity and social equality.

A female faculty member also pointed to the amount of off-campus student housing as a significant factor contributing to sexual assault at W&L, saying that when students live with each other, they think of each other as human beings. They see each other at different times of day, engaged in different sorts of activities: studying, doing laundry, making food, using the

⁴⁹ CAIR is "Confidential and Impartial Resolution," a campus resource offering mediation, resolution assistance, and shuttle diplomacy.

bathroom. This develops bonds of friendship and intimacy. It demystifies, making students see each other as people instead of prey or objects. It is a bad situation where the women live “across the moat,” away from the community and must cross it for class. They must drink in male territory under male power. Socializing, she points out, happens in environments that are too segregated and stratified.

Her sentiments approach the core issues of gender relations on campus. By overcoming the boundaries imposed by off-campus housing, W&L could become a truly co-educated campus, and, importantly, a community.

Conclusion 4: Manner of Alcohol Consumption at W&L Facilitates Sexual Assault

The risky manner in which alcohol is consumed among W&L students facilitates sexual assault. Binge drinking is common, with drinkers reporting typical alcohol use as 5.7 drinks per occasion for men and 4.2 drinks per occasion for women, and 68.3% of students reporting having 5 or more drinks on a single occasion at least once in the previous two weeks;⁵⁰ parties occur many nights out of the week, not simply over the weekend, providing ample opportunity for frequent consumption. However, it is important to note that it is not that two people get drunk and are unclear about the interaction occurring between them, and thus a sexual assault occurs relatively by accident. Rather, in a situation in which many people are drinking heavily and bystander intervention may be reduced due to incapacity, women are particularly vulnerable, whereas men in the same situation are not. Thus, there is potential for someone to take advantage of this situation and intentionally sexually assault a woman.

Almost half (47.7%) of survey⁵¹ respondents identified alcohol as the number one contributor to sexual assault at W&L. The majority (84.6%) said that alcohol “frequently,”

⁵⁰ According to W&L 2009 Core Survey data.

⁵¹ WGS 296A survey of 258 undergraduate and law students (2009).

“usually,” or “always,” compromises one’s ability to give consent to sexual activity. Finally, respondents agreed with the statement “at W&L, male students frequently attempt to hook up with female students who are under the influence of alcohol”; there was no significant gender difference.⁵² Moreover, according to W&L’s 2009 Core data, 66% of men and 69% of women agreed that alcohol “facilitates sexual opportunity.” Thus, although it may not be the binge drinking per se that is associated with the prevalence of sexual assault, students recognized that alcohol reduces the ability to give consent and perceived men to be trying to engage in sexual activity with intoxicated women. Consequently, the possibility for alcohol to be used in a predatory fashion, as a date rape drug of sorts, must be considered. According to the Virginia Department of Health (VDH), alcohol is the most widely used substance in facilitating sexual assault and may be used alone or with other drugs. According to VDH, this is in part because it impairs memory and ability to recognize dangerous situations.⁵³

In a situation in which most of the people present at a party are intoxicated, effects on bystander intervention must be carefully considered. It is possible that alcohol could inhibit bystander intervention by compromising the ability to perceive a dangerous situation in which help is needed or by compromising the ability to give such assistance. Survey⁵⁴ respondents were asked about bystander intervention they observed, engaged in, and/or wished someone had provided for them. Most women (58.1%) reported observing bystander intervention in a situation that might have resulted in sexual assault, while the majority of men (57.8%) did not report observing such intervention.⁵⁵ No gender difference was found in actual reports of bystander intervention in instances where sexual assault might have occurred; the majority (65.4%) of

⁵² Mean score for women = 6.17 (*SD* = 1.02), mean score for men = 5.91 (*SD* = 1.25).

⁵³ Virginia Department of Health pamphlet “Drug Facilitated Sexual Violence” (rev. 11/05).

⁵⁴ WGS 296A survey of 258 undergraduate and law students (2009).

⁵⁵ $\chi^2(1, N = 245) = 5.73, p < .05$.

respondents reported having not intervened. When asked whether the respondent had been in a situation, not necessarily related to sexual assault, in which they wish someone had intervened, the women were pretty evenly split (50.6% had been, 49.4% had not) while the majority of the men (66.7%) reported never having been in such a situation.⁵⁶ Thus, it appears that mostly women observe bystander behavior and desire bystander intervention, while neither sex engages in much bystander intervention at W&L. Moreover, in a culture that normalizes subordinating women, groping a woman on the dance floor may not be recognized as sexual assault. If this behavior occurs frequently and among large groups of intoxicated people, it may go unnoticed and mostly unreported.

As a female student put it, “as long as you’re drunk you’ve got a good story to tell.” Students, faculty, and administrators at W&L recognize alcohol to be a major contributing factor leading to sexual assaults. One female student said that “people just absorb the culture” at W&L where high alcohol consumption is recognized by “everyone” as a social norm. She pointed out that this element of W&L social culture is so prominent that people are often “aware of this *before* they arrive freshmen year.” In addition, one student affairs staff member reinforced the idea that our alcohol culture finds its roots in the homes of W&L families before students arrive; essentially, the “W&L student stereotype (entitled, privileged, alcohol part of home life) breeds a culture” of “functioning alcoholics.” Furthermore, this staff member says that “the university needs to crack down on the involvement of alcohol in countless formal events and cocktail parties.” W&L psychologist and SPEAK advisor Dr. Jennifer Sayre sees that many victims of sexual assault feel uncomfortable seeking counseling services when their experiences involve alcohol. The victim may blame herself or not hold the perpetrator accountable for the assault due to the alcohol-impaired judgment of both parties. According to Dr. Sayre, “the social system has

⁵⁶ $\chi^2(1, N = 246) = 6.93, p < .001.$

a focus on men hosting activities with alcohol being a social component and high risk drinking being the norm.” Alcohol is, therefore, a major component leading to sexual assault on many levels.

Under Virginia law, however, when a person engages in sexual activity with someone who is unable to give legally binding consent because of “mental incapacity or physical helplessness,” including when this is caused by alcohol or other drug intoxication, he is guilty of sexual battery and/or rape, depending on the nature of the sexual activity. Sexual battery, rape, and related offenses are serious crimes that carry serious penalties, up to life imprisonment.⁵⁷ The perpetrator’s own intoxication is not a defense to a crime, including sexual battery and rape.

Implications of these Conclusions

Taken together, W&L students’ attitudes, the male-dominated culture, the residential and social structure, and the manner in which alcohol is consumed at W&L contribute to the prevalence of sexual assault, the toleration of sexual assault, and promote a climate that discourages reporting sexual assault. Students’ attitudes reflect a disconnect between the genders. Male undergraduates especially may dismiss the idea that sexual assault is a serious problem on this campus. Because parties occur off campus and the social scene is dominated by men, women are frequently in a vulnerable position that facilitates sexual assault and discourages reporting. Women’s absence from leadership on campus translates to women’s exclusion from leadership on the social scene, so these structures must change as well. Thus, action is needed to address these domains of both culture and structure. Without an active attempt to change the status quo, the prevalence of sexual assault at W&L cannot be expected to change.

The following section of this report will address four specific proposals for change at W&L in order to reduce the prevalence of sexual assault. Each of these proposals draws on the

⁵⁷ See Va. Code Ann. § 18.2-61 (rape), § 18.2-67.4 (sexual battery), § 18.2-67.10 (definitions) (2009).

previous discussion of the contributors to sexual assault at W&L in particular and was selected because of its potential to be effective given W&L's specific history, culture, and climate.

PART TWO: PROPOSALS TO END SEXUAL VIOLENCE AT W&L

Reported by Team Green: Catherine Kruse, Lule Rault, and Kelly Harris

Proposal 1: Sexual Assault Prevention Coordinator

The first (and right now, possibly most urgent) proposal that W&L needs to see through is hiring a sexual assault prevention coordinator, who would be the authority on sexual assault and sexual assault policy at W&L. It is necessary that the coordinator have extensive background, training and understanding of sexual assault on college campuses. They would know W&L policy well, would be the main contact person for inquiries regarding sexual assault on campus, and most importantly, would be in charge of coordinating regular, campus-wide, comprehensive education about sexual assault for students and employees on campus. Some colleges, such as Antioch College, do not allow students to “forget” or be “unsure about” sexual assault policies on their campuses. A sexual assault prevention coordinator would make it clear that W&L is a college that genuinely cares for its students’ safety and effectively equips them to deal with the risk of sexual assault.

Central Collection of Reports

W&L has designated a number of persons that a victim of sexual violence may approach for help. During a class visit, Dean of Students Dawn Watkins indicated that she receives reports of sexual assault and that if she were ever to receive multiple reports of sexual assault committed by the same person, that the perpetrator would be dismissed immediately. At the same time, Associate Dean of Students Tammy Futrell, who is head CAIR,⁵⁸ receives and keeps confidential all CAIR reports, some of which may be reports of sexual assault. Unless Dean Futrell has reason to suspect that there have been multiple sexual assaults committed by the same person,

⁵⁸ CAIR is “Confidential and Impartial Resolution,” a campus resource offering mediation, resolution assistance, and shuttle diplomacy.

these CAIR reports go no further than her office. At the same time, if anyone ever wants to officially report an assault, that person would go to Director of Public Safety Mike Young, who would inform Dean Watkins, but no one else, of the name of the alleged perpetrator. Other reports of sexual assault go to one counselor at University Counseling, or to the Student Health Center to Dr. Jane Horton. Some students talk to their resident advisors, peer counselors or professors, and there is no official reporting structure to ensure that these claims are documented and collected centrally. Unless any of these authorities has reason to believe that there have been multiple reports of violence committed by the same person, they do not seek out a central office with which to file a name. CAIR reports stay within CAIR, Dean Watkins' reports stay confidential except to her, and University Counseling and the Student Health Center have extremely strict confidentiality terms to operate on, as well.

Thus, W&L does not so much have a problem because there are no places to report, nearly as much as it has a problem coordinating these reports into a cohesive list of sexual assault incidents reported and students identified as perpetrators in each. The point of a sexual assault prevention coordinator would not be to reduce the number of people that victims of sexual violence can report to (in fact later on, we will suggest more reporting options), but this coordinator would be able to present a definite place for victims to go if they feel comfortable, and would be the stopping point for all reports. The coordinator would be able to collect all names of alleged perpetrators and descriptions of cases that arise so that the coordinator can compile them and have a better idea both of the prevalence of such incidents on campus and which students might be a danger to others. Thus, in the event of a serial rapist, a coordinator, rather than five people with similar stories but no way of tying them together or knowing about the others, could detect the patterns in the different sources received.

Central Authority on Policy

A problem that students and their advisors have expressed is distrust of the system in general. While students might be aware of their reporting options and places that they may go to seek counseling, they often do not feel comfortable relating their experiences to others, especially if their case has a risk of being mishandled. It would be very important for a coordinator to be trusted by the student body, meaning that students would have to be very well-informed about the coordinator and what exactly the coordinator can do for them. The coordinator should not only competently discharge their own specific responsibilities, but should also have detailed knowledge of the roles the rest of the university community plays in sexual assault education, prevention, adjudication, counseling, reporting, and so forth. The coordinator would be an expert on W&L's sexual assault policy, W&L's Student-Faculty Hearing Board (SFHB), and any other bodies that play a role in sexual assault policy so the coordinator can coordinate all these activities and provide an authoritative interpretation of W&L's sexual assault policy.

Central Training Coordinator

Improve Existing Programs

The coordinator would also be specifically in charge of instituting educational programs that would extend beyond the typical campus education audience (first-year students). Currently, we have two main education programs. The first is "Pieces of the Puzzle," which is a skit performed by resident advisors (RAs), peer counselors (PCs) and members of one of the theater groups on campus featuring a song by former coordinator of religious life Burr Datz called "I Got Drunk and I Missed It." Towards the end of the piece, there is a small portion about sexual assault which Lucy Hundley, a first-year resident advisor (RAFY), noted that some students

actually laughed at in the end. Hundley also mentioned that while there is supposed to be a discussion after the piece, some RAFYs do not choose to talk about the sexual assault piece, meaning that it is very likely that these first-year students miss the entire education on sexual assault, right before they go off to some of the largest parties (and most dangerous situations) they will encounter that year.

The other university-mandated education program in place right now is a one hour long SPEAK training for first-year women and 1 in 4 training for first-year men. This training is only about sexual assault, but it also comes at a time of the year in which students are still not interested or engaged. Many students send text messages on their phones or roll their eyes throughout the program because they do not take it seriously. This is problematic because they do not realize that the material really applies to them.

Another problem with SPEAK training is that it focuses on women's behavior. Admittedly, advising students to monitor situations around them, form solidarity in a friendship group, and watch out for friends at parties is good advice. However, it does not go beyond this to address bystander intervention or perpetrator responsibility. What seems implied, then, is that it is a woman's responsibility to avoid rape, and if she fails to do so, she asked or deserved to be raped. The responsibility to prevent rape should be identified as the potential perpetrator's responsibility. The community should protect its members from risks of sexual violence and women should do what they can to protect themselves as well, but responsibility for sexual violence should be clearly and appropriately assigned to perpetrators. Otherwise, if a woman actually is assaulted, she is more likely to believe it was her fault for not following precautions. Additionally, there is too much emphasis on women taking care of women, and almost no emphasis on taking care of one another as a community effort. Thus, while this training is the

best that we have on campus currently, it could still be improved by adding more education about community responsibility and bystander intervention to discourage victim blaming and encourage communal responsibility.

Despite the commitment of core 1 in 4 members to preventing sexual assault and the amount of work they devote to training and education, many (if not most) students on campus treat 1 in 4 training as a joke. While it is technically a primary prevention technique (aimed at potential perpetrators), currently young men do not see the correlation or application to their own lives. The video that the 1 in 4 national organization requires W&L's chapter to show is that of a male police officer who is raped at gunpoint by a stranger. This is supposed to make men empathize with survivors of sexual assault. The problem is that it does not address men as potential rapists, but as potential victims, and they are likely to discount victimization as something that could never happen to them. There is no obvious connection between this video and the hook-up alcohol culture at W&L, so students do not believe that the police officer rape scenario is in any way relevant to them.

Most male students interviewed for this report believe that there are cases of "gray rape," which are not "real rape." So-called gray rape is drunken sex to which at least one party has not consented because she is too intoxicated to be capable of consent. Under Virginia law, of course, this would meet the definition of the criminal offense of rape, which could be punished with a sentence as serious as life in prison, nothing gray about it. Male students often expressed the view that because both parties lacked capacity to consent, there could be no culpability. However, a perpetrator's intoxication is not a defense to a crime, including rape and sexual assault. The fact that either party might be guilty of rape in the situation does not, of course, exonerate either party. Thus, male students are not receiving the information that might actually

deter or prevent sexual assaults. The 1 in 4 video thus does not deal with rape or sexual assault on college campuses in a way that male students can relate to. What they need is a straight definition of sexual assault and rape as it typically occurs in campus settings, education about the role of alcohol and how it does not relieve them of responsibility, and a list of the possible consequences of being found responsible for sexual assault and rape by the various authorities who might adjudicate such a case (e.g., a criminal court, the SFHB). They need concrete, familiar situations described to them as examples, and stern discussion leaders who make as strong an impression on students as the EC makes during the Honor System lecture in Lee Chapel.

Try New Programs

Green Dot Program

A sexual assault prevention coordinator devoted full time to sexual assault prevention could implement a strong, effective education program on W&L's campus that would seek to prevent power-based violence like sexual assault, reach out to all students of all graduation years, and prevent students from forgetting or disregarding definitions of sexual assault. One program the coordinator might implement is the Green Dot program, a bystander behavior program that was founded at the University of Kentucky that has proven successful. The Green Dot program is currently being considered as a new W&L education program, and if implemented it would require a significant increase in professional staff person-hours to be effective. The point of the program is to identify trendsetting, popular social leaders at the university, convince them that power-based violence is a social ill that must be prevented, and equip them with skills that enable them to intervene in situations that might otherwise result in power-based violence (such as sexual assault). We believe that the Green Dot program would be a great program for W&L

because it would encourage community members to take responsibility for sexual assault. Currently, many students believe either that it is up to individual students to avoid sexual assault or up to their friends to prevent them from being sexually assaulted, which seems incompatible with W&L's ideal of a trust-based community. The EC gives a stern, sentimental lecture at the beginning of the academic year that demands that students honor the wishes and ethical standards espoused by Robert E. Lee. Yet ironically, W&L must train students to watch their drinks and not to trust "friends" on the party scene because W&L's sexual assault numbers are so high. The Green Dot program might make W&L trust more comprehensive because it would force students to take responsibility for their friends and teach them to recognize dangerous situations and utilize techniques that have been found effective for preventing sexual assault.

First Year Education with Parents

A coordinator devoted full time to sexual assault prevention could concentrate on educating students about sexual assault as soon as they step onto campus. The coordinator could, for instance, give a mandatory lecture to students, inviting their parents, the first day they arrive on campus. This lecture could address the definition of sexual assault according to W&L policy and Virginia law, consequences for perpetrators, and emotional repercussions for survivors. In the event of a conduct violation, students usually have to write to their parents to tell them about their actions, so it makes sense that parents should know the conduct codes and what can happen to their daughters and sons before they leave their children in the unsafe culture that W&L has fostered. The coordinator could also coordinate continuing education for all fraternities, sororities, and independent students at least once a term. It is important for students to be reminded about the seriousness of sexual assault on campus, and also for them to be kept up to date on policy and definitions that would be useful to them and their friends.

Interactive Screening Program

Finally, a sexual assault prevention coordinator could implement an interactive screening program (ISP) for survivors of sexual violence. The ISP model was developed by Ann Haas, Director of Prevention Projects for the American Foundation for Suicide Prevention in New York, to evaluate and address survey respondents' need for counseling, and particularly to intervene when a respondent is at risk for suicide. Dr. Haas has indicated in conversation that this model could be adapted for sexual assault prevention, and that she would be happy to help W&L do this. The program would periodically send e-mails to different batches of students and invite them to participate in completely anonymous screening surveys. Based on student responses, the program would group them into categories of how badly they appear to need help, and those results would go to a counselor who could talk to them online (still anonymously) in order to give them short-term relief and encourage them to come into counseling for long-term help.

The sexual assault prevention coordinator's duties might seem like a lot for one person, but they would be the coordinator's full-time job and would get their undivided attention. It is important to emphasize that we have many places to go right now for help (although no place to go for an authoritative interpretation of policy, since those administering policies don't always agree on what they are or what they mean), but everyone in these positions also has another job description to take care of, as well. Dr. Sayre is the go-to person for sexual assault counseling (and in many instances prevention efforts), and may soon be responsible for coordinating the implementation of the Green Dot program. However, she also spends a lot of her time counseling individual patients. Besides the multiple demands on her time, it is reasonable to

believe that conflicts of interest can arise whenever effective prevention methods undermine clinical objectives relating to specific patients. Dean Watkins is deeply concerned with sexual assault at W&L, but is also in charge of all Student Affairs. Jan Kaufman is responsible for the entire field of health promotion at W&L, including nutrition and fitness, body image and eating disorders, alcohol and other substance abuse, and mental health. She also runs public health campaigns and mentors 1 in 4 peer educators. Dean Futrell, head of CAIR, receives some sexual assault reports, but CAIR is only one small part of her huge job description, and as head CAIR she supervises the handling of all unlawful discrimination complaints, not just sexual assault or even sex discrimination.

Given that our sexual assault rate is twice the national average and our rape rate is about three times the national average on college campuses, we need a full time person devoted to stamping out this epidemic. Dividing up sexual assault prevention efforts over so many different positions, and tacking pieces of it onto job descriptions that are already enormous for one person to do in any of these cases, is entirely inappropriate with sexual assault rates as high as W&L's. Because Title IX requires "prompt and effective action" to be taken to prevent the recurrence of sexual discrimination on our campus, particularly in forms as egregious as sexual assault and rape, our sexual assault problem should receive much greater priority at W&L; it should be at the top of the student health agenda. That it has not been, and still is not, might be regarded as deliberate indifference to pervasive and egregious sex discrimination at W&L. Furthermore, the fact that sexual assault involves harm to others, and not just harm to self (as substance abuse or poor nutrition and fitness do), should be reason enough to place it at the top of W&L's student health agenda.

Proposal 2: A Separate and Comprehensive Sexual Assault Policy

Disaggregation

Currently W&L policy governing sexual assault is embedded in a broader discrimination policy, the “University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation.” Sexual assault, which occurs at an alarming rate at W&L, should be specifically addressed in its own policy, disaggregated from other discrimination, harassment, and retaliation. Specific offenses should be specified, and each should have minimum consequences when a person is found responsible for committing them. This provides students clear notice of the standards that they will be held accountable for meeting.

Definitions

In the current policy, there is a section labeled “Definitions,” which states “There are no definitions applicable to this policy.” W&L needs to establish definitions for behaviors that constitute sexual misconduct. There are many different types of sexual misconduct ranging from a grope on the dance floor to rape. Students should be aware of what behavior constitutes each item prohibited by the policy. During interviews for this study, it became quite apparent that many students, particularly Greek male undergraduates, did not even understand what sexual assault is, asking us to define it. Even with all of the posters WGS 296A put up around campus with definitions of sexual misconduct, sexual assault and rape, many students did not know what was considered sexual assault, etc. W&L should publicize its policy definitions and educate students and the rest of the university about them. W&L should have a student body that clearly understands what behavior constitutes sexual misconduct and how to avoid it. W&L should also have adjudicative bodies that clearly understand what they are trying to decide and are not too

squeamish to call a policy violation what it is and hold the person who committed it accountable.⁵⁹

Minimum Sanctions

Along with clear definitions of these offenses, we recommend that a minimum sanction be linked to each offense. Currently, if a student is found responsible for rape, that student is immediately expelled. There is a clear sanction attached to this offense. There are many different degrees of seriousness of sexual assault and sexual misconduct, however. For example, the Antioch College Sexual Offense Policy states:

sexual imposition [is] non-consensual sexual contact...which includes the touching of thighs, genitals, buttocks, the pubic region or the breast/chest area.” The sanctions for these violations are to “a) be suspended immediately for a period of no less than three months; b) successfully complete a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and c) upon return to campus, be subject to mandatory class and co-op scheduling so that the respondent and primary witness avoid, to the greatest extent possible, all contact, unless the primary witness agrees otherwise.⁶⁰

At Antioch College, more serious levels of sexual misconduct, such as rape, have more serious sanctions, such as expulsion. However, at W&L the sanctions need to be clearer for sexual assault offenses that are not rape.

Implementing a minimum sanction for each of these offenses would make students more aware of how serious these policy violations are. If W&L creates a comprehensive sexual assault policy and makes it clear to students, there will be no question about what W&L deems inappropriate or unacceptable behavior.⁶¹

⁵⁹ The SFHB has recently (2009) found a student guilty of “Sexual Misconduct, consisting of Sexual Intercourse Without Consent - By Means of Force, Threat, Intimidation or Victim Incapacity,” which is the legal definition of rape in Virginia. The student was immediately and permanently dismissed from the university. However, the word “rape” is never mentioned in the decision.

⁶⁰ See <http://www.mit.edu/activities/safe/data/other/antioch-code>.

⁶¹ For model university sexual assault policies developed by the Campus Action Inter Campus Sexual Assault Taskforce, see http://www.campusactivism.org/server-new/uploads/Model_Policies.doc.

Alcohol and Acquaintance Rape

We recommend explicitly and clearly stating in W&L's policy what the consequences of alcohol use are. Under Virginia law, rape is defined as "sexual intercourse against a person's will by force, threat or intimidation, or through the use of the victim's mental incapacity or physical helplessness." Legally effective consent cannot be given when intoxicated. When most people think about rape, they think about someone jumping out of the bushes and attacking them. However, this describes about ten percent of all rapes, and at W&L, this is rare if it has happened. At W&L, the most common form of rape is accomplished through the victim's mental incapacitation or physical helplessness. Mental incapacitation is the

condition of the complaining witness existing at the time of an offense under this article which prevents the complaining witness from understanding the nature or consequences of the sexual act involved in such offense and about which the accused knew or should have known.⁶²

Physical helplessness means

the unconsciousness or any other condition existing at the time of an offense under this article which otherwise rendered the complaining witness physically unable to communicate an unwillingness to act and about which the accused knew or should have known.⁶³

W&L's sexual assault policy should explicitly state: One's own consumption of alcohol is never a defense to a sexual assault accusation, just as it is never a defense to an accusation of any other crime or policy violation.

The rare stranger rape and the common acquaintance rape are equally traumatizing, and each typically entails a long recovery process:

Although victims of acquaintance rape (as the researchers defined it) were less likely than victims of stranger rape to label their experience as rape, the two groups did not differ significantly in their subsequent depression, anxiety,

⁶²Va. Code Ann. § 18.2-67.10 (3) (2009).

⁶³ Va. Code Ann. § 18.2-67.10 (4) (2009).

problems with relationships, problems with sex or thoughts of suicide (over one-fourth of both groups reported considering suicide).⁶⁴

Stating this explicitly in our sexual assault policy would dispel the stranger rape myth for many students, and make them aware that acquaintance rape is *real* rape. Often victims do not report a sexual assault to authorities at all because they do not identify themselves as a victim of rape or sexual assault because they were intoxicated, or because their attacker was. They do not remember what happened, and worry that they might have done something that the perpetrator interpreted as consent. Thus, instead of feeling wronged, they feel guilty because they think they have done something wrong themselves.⁶⁵ What they don't realize is that consent cannot be given accidentally or unintentionally, because it is a deliberate act; if they don't remember consenting, they could not have consented, and they are victims of sexual assault.

W&L's sexual assault policy should make clear not only that the perpetrator's intoxication is no defense, but also that the victim's intoxication does not make the perpetrator less responsible. That is, a victim is not to blame for being sexually assaulted, and a perpetrator is not *less* to blame for sexually assaulting her, when the victim is intoxicated. It is a pernicious myth that a woman who gets drunk in the wrong place at the wrong time is asking to be raped or deserves to be raped. That's like saying that if you wear nice jewelry on the subway, you are asking to be robbed, and therefore the robber should not be punished for taking your jewelry.

This policy has been adopted by law enforcement agencies in Virginia:

“Even possibly illegal conduct by a victim – for example, drug use or criminal trespass at a place being used for a party – does not change the victim's status or in any way mitigate the crime of sexual assault.”⁶⁶

⁶⁴ “Is Rape Sex or Violence? Conceptual Issues and Implications,” C.L. Muehlenhard, S. Danoff-Burg, and I.G. Powch, in *Sex, Power, Conflict: Evolutionary and Feminist Perspectives*, David M. Buss and Neil M. Malamuth, eds. (Oxford University Press, 1996).

⁶⁵ Fisher Report (2000) (see Part One for full citation).

⁶⁶ Virginia Code on Sexual Assault Policies for Law Enforcement (an internal guidance document).

Having clear definitions of rape and sexual assault set forth in W&L's policy will help victims identify their experiences as rape and will likely increase their willingness to seek help. It could also lead to an increase in reports to authorities, since victims are likely to feel more comfortable coming forward if W&L's policy clearly states that mental incapacitation, e.g. being drunk, negates consent. Dr. Jane Horton of the Student Health Center, who helps coordinate sexual assault prevention efforts at W&L, stated her agreement with this prediction in an interview. Dr. Horton also stated that more discussions among students and faculty at W&L about sexual assault and the role of alcohol are likely to encourage victims to identify their experiences as sexual assault and to come forward.

Additionally, W&L's sexual assault policy should specify that victims who come forward to report or to seek help after a sexual assault will not be punished for violating W&L's alcohol policy. That is, underage students who were drinking will not be punished for drinking illegally if they come forward as a victim of a sexual assault or rape. This is the current policy in place; however, it should be explicitly stated in W&L's sexual assault policy.

Baseline of Non-consent

An important way to decrease rates of sexual assault in an alcohol-drenched social scene is to clearly establish in W&L's sexual assault policy a baseline of non-consent. This means that no effective consent can be given unless (1) the party whose consent is at issue is competent to give consent (i.e., not incapacitated by any substance, including alcohol, or any disability; is old enough to give consent, etc.) *and* (2) the party whose consent is at issue performs an *outward manifestation* of consent (verbally saying yes, pulling the other person toward her, nodding, etc.). If a case went to the SFHB under this rule, the victim would need to establish that she did not have the capacity to consent *or* that she did not outwardly manifest consent, instead of having to

prove as an alternative to incapacity that she *did* outwardly manifest refusal or resist. Requiring the complainant to prove that she expressed refusal takes the baseline to be one of consent: she consents by default, unless she withdraws consent (instead of: she refuses by default, unless she offers consent). We do not normally take ourselves to have permission to touch others in intimate ways in the absence of explicit permission, so it is anomalous to accept a baseline of consent in sexual assault cases. If rules against sexual assault are to protect personal autonomy and a person's ability to control her body, a baseline of non-consent is surely preferable. If a person fails to indicate consent clearly enough, no one has sex. Under the baseline of consent, if a person fails to indicate non-consent clearly enough, she can be raped and the perpetrator will not be held responsible. Which is a greater risk—that of not indicating consent clearly enough and missing out on an opportunity for sex, or that of not indicating non-consent clearly enough and being raped?⁶⁷ It seems clear that the baseline of non-consent is the better rule, and this is the rule that is used in the criminal courts of New Jersey.⁶⁸

Disjunction of Force and Non-consent

The policy should define sexual assault and rape as occurring when *either*:

1. Force, threat of force, or intimidation is used.

or

2. An outward manifestation of consent is absent.

Therefore, rape can occur in two different ways: when there is force, etc. (irrespective of whether there is consent) and where there is no effective consent (irrespective of whether there is force, etc.). The penalties for the first definition could be more severe than the penalties for the second definition, but the offenses should be defined disjunctively. Proving a rape or sexual

⁶⁷ See Joan McGregor, *Is It Rape? On Acquaintance Rape and Taking Women's Consent Seriously* (Burlington, VT: Ashgate Publishing, 2005).

⁶⁸ State of New Jersey in the Interest of M.T.S., A.2d 1266; 1992 N.J. LEXIS 420 (1992).

assault should not require proving both force and non-consent. To require both is to normalize consent to the use of force in sex, which should not be normalized in university policy.

Generally, it is reasonable to assume that if force was present, consent was absent. One result is that when force was obviously used, an allegation of consent will not function as a defense.

Another is that victims might feel more confident coming forward to report sexual assault, or to seek help for sexual assault, even if there is no evidence of force, or if there was no force used.

After all, the victim's obligation to put up physical resistance has been purged from Virginia law.

Additionally, this will emphasize the purpose of a sexual assault policy, which is to protect persons' control over their own bodies. This approach recognizes that no one else is entitled to touch another person's body without her freely given, clear consent.⁶⁹

Reporting Options

How a victim should report a sexual assault, and to which authorities they may report, should be specifically outlined in W&L's sexual assault policy. Reporting options should include the Student Health Center, University Counseling, CAIRs, the police, Public Safety, etc. The procedures for, and possible consequences and outcomes of, each kind of report should be clearly listed with each option.

Because of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), W&L must report annually certain instances of violent crime, including sex offenses, to all university employees and students, and to prospective students. W&L must explain how it prevents and responds to these crimes, and must establish and publish reasonable reporting procedures as well as resources for victims.

The number of forcible sex offenses in W&L's Clery reports are usually 0 to 2, while the number of rapes, attempted rapes and sexual batteries (all defined as forcible sex offenses under

⁶⁹ See generally McGregor.

Clery) are astonishingly high as reported on the National College Health Assessment (NCHA)/Core anonymous alcohol and drug surveys that are administered to students in alternating years. Many students every year report that they experienced sexual battery, sexual assault and/or rape that year in these health assessment surveys; yet, this is not apparent from our Clery statistics. In the chart below, which lists W&L's NCHA and Core data, the national average percentage of students in each demographic reporting that they experienced each offense is listed in parentheses.

Sexual Battery	Male %	Female %	Total %
NCHA 06	6.6 (4.7)	21.1 (11.7)	15.1 (9.2)
Core 07	3.0	18.0	12.8
NCHA 08	6.0 (3.8)	20.6 (10.2)	14.6 (8.0)
Core 09	8.0	25.4	18.4

Attempted Rape	Male	Female	Total
NCHA 06	1.2 (1.1)	4.5 (4.1)	3.1 (3.0)
Core 07	0	9.0	5.3
NCHA 08	1.5 (0.9)	6.7 (3.7)	4.5 (2.7)
Core 09	2.7	7.4	5.5

Rape	Male	Female	Total
NCHA 06	0 (0.8)	2.4 (2.0)	1.4 (1.6)
Core 07	0	7.0	4.1
NCHA 08	0.9 (0.7)	2.8 (1.9)	2.0 (1.5)
Core 09	1.8	6.5	4.6

Again, although in the NCHA/Core surveys, W&L's rate of sexual assault is twice the national average, in the Clery reports the numbers in the past few years have shown 0-2 cases of rape per

year. This misrepresents W&L's campus as far more safe than it really is.⁷⁰ In order to collect more accurate statistics, it is important for all parties involved in receiving reports of sexual assault, and all victims of sexual assault, to understand the ramifications of reporting, and not reporting, a sexual assault to a campus security authority or central collection point, even if a victim chooses to do so through a third party, such as a counselor.

Whenever a victim reports a sexual assault to any campus security authority, including a resident advisor (RA), coach, CAIR, or faculty advisor, it should be recorded in a log that is forwarded periodically to a central collection point. If the victim prefers, the report could exclude her name, but contain enough detail (such as exact time, identity of the perpetrator, location) to avoid double counting incidents. This would help W&L to determine the prevalence of sexual assault on campus and/or occurring to W&L students. The discrepancy in our numbers may be in large part due to the failure of all campus security authorities (RAs, coaches, CAIRs, faculty advisors, etc.) to be aware of their role in the university's reporting obligations.⁷¹

Adjudication Process

With one person (such as a sexual assault prevention coordinator) receiving all the reports of sexual misconduct, the university would be in a better position to identify serial perpetrators. About 7-8% of college men commit rape; therefore, it is likely that most college men who are committing rape are doing it more than once, creating a serious threat to campus safety. W&L's sexual assault policy should expressly state the criteria for the university's removal of a dangerous student, the amount of evidence or corroboration needed to remove a

⁷⁰ See Center for Public Integrity Report, "Campus Sexual Assault Statistics Don't Add Up," at http://www.publicintegrity.org/investigations/campus_assault/articles/entry/1841/. This article mentions that when universities report "0" as their forcible sex offense statistic, this throws up a red flag that they are either trying to conceal the prevalence of sexual assault, or (as is probably the case at W&L) they do not understand what their reporting obligations entail or have a procedure in place that can effectively meet them.

⁷¹ See the U.S. Department of Education Handbook for Campus Crime Reporting at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>, especially pp. 23 and 49-53.

student pending a process, and the amount needed for the university to file an SFHB complaint in its own name. At W&L, there exist cases in which more than one woman reported that the same male student sexually assaulted her, but no action was taken because the victims did not want to file a formal complaint or reveal their identities (although in at least one case, the two women knew one another and knew that they both complained about the same individual). The policy should also specifically state the number of informal reports that must be received regarding the same alleged perpetrator for action to be taken by the university.

W&L's sexual assault policy should also provide that in an SFHB hearing, the respondent and complainant do not have to be in the same room. The current process requires the respondent and the complainant to be in the same room, although a screen may be placed between them if one of them requests this. Instead, the policy should allow for each person's portion of the hearing to be recorded and played for the other person to hear. This allows for both the respondent and complainant to hear the other's testimony without having to be in the same room.⁷²

Accommodation

The policy should state that a victim will receive tuition reimbursement and/or medical leave if they need to suspend their education because of a sexual assault, including rape. Medical leave should be provided because a sexual assault often has a severely detrimental effect on students' academic performance. A faculty member indicated in an interview that when a female student's grades start to slip, he automatically assumes that she has been a victim of sexual assault. This speaks volumes about the severity of the sexual assault problem on W&L's

⁷² See Association for Student Judicial Affairs Inter-Association Task Force, "National Baseline Judicial Study on Campus Sexual Assault: Adjudication of Sexual Assault Cases, at http://www.asjaonline.org/attachments/articles/266/Baseline_Study_Report_Published.doc. According to this study, 45% of colleges in the sample provided complainants' with this opportunity.

campus, since one would not normally expect sexual assault to be a common enough occurrence that it serves as a default explanation for a female student's downward trend in academic performance.

Sexual Assaults on Other Campuses

At W&L, there are non-traditional students whose social patterns differ from the traditional student. Most of these students are ethnic and racial minorities; many of them are black students who are part of black Greek life. Because they spend significant time at neighboring universities with other members of their fraternities or sororities, the risk that they will be sexually assaulted (or accused of sexual assault) on a campus other than W&L's is greatly increased over that risk for traditional W&L students. Therefore, W&L's policy should specifically explain what it can do to assist victims in reporting, seeking help for, and potentially adjudicating sexual assault incidents that occur on other college campuses. It should also explain how it can support students accused of committing a sexual assault on another campus.

W&L should consider entering into cooperative agreements with neighboring universities to address sexual assault incidents that occur on their campuses involving students from each. Such agreements should be made between W&L and VMI, but also should extend to other universities that W&L students regularly visit as part of their social life, and from which students regularly visit W&L to socialize with W&L students. This type of agreement would demonstrate respect for and recognition of the diverse patterns of social life at W&L, instead of taking the traditional W&L student situation for granted in designing policy.

In student interviews we learned that non-traditional students, especially those belonging to ethnic and racial minorities, might face additional barriers in coming forward to report, or seek help after, a sexual assault. For example, some female black students interviewed mentioned

three primary barriers to reporting sexual assaults. First, they felt that non-black students might stereotype male black students as rapists if they reported being raped by a male black student. Second, they did not want other black students to see them as disloyal to their group because they reported a group member's misconduct to an authority outside the group. Third, they feared that authorities might view their reports as less trustworthy, or view them as more blameworthy, because of the racial group to which they belong.

Responsibility for Knowing Policy

W&L's sexual assault policy should expressly state at the beginning, in a prominent font, that each student is responsible for knowing and complying with every term detailed in the policy. Therefore, in an SFHB hearing, complainants, respondents, witnesses, and the SFHB should be able to appeal directly to the policy in order to justify their reasoning, decision and sanction. They should not be required to use broad discretion, which makes the decision feel more personal, and less impartial. A publicity campaign should ensure that everyone in the W&L community is familiar with the new policy. Mandatory training on the details of this new policy should be provided for all members of the university, including faculty, staff who work with students, and students. Training should be given to all university employees so that they feel comfortable speaking with a victim of sexual assault if they are approached, even if they never serve in a decision-making capacity, such as on the SFHB.

Comprehensive, Clear Rules

All aspects of W&L's sexual assault policy should be contained in this one comprehensive policy, so that there is only one place to look to determine what policy is. The need to ask an authority for an interpretation should be rare, since all the relevant terms should be spelled out in writing. W&L's sexual assault policy should function as government by rules,

not as government by the people who happen to enforce them. This is a serious matter of fairness, particularly with respect to providing students with enough information to form reasonable expectations *in advance* about what the policy is and how it will be enforced. This policy should be taken as seriously as, but codified more extensively than, the Honor System. W&L needs to establish a line between appropriate and inappropriate conduct and make it clear to students what behavior it expects of them.

Proposal 3: Improve Anonymous and Third Party Reporting

W&L should institute and widely publicize easy-to-understand means of anonymous and third party reporting. This is important so that W&L has an accurate way of counting sexual assault incidents and assessing the prevalence of sexual assault among students. As discussed previously, one central authority should receive all reports.

As noted in our discussion of Proposal 2 above, the Clery Act requires W&L to state and make available to students and prospective students the number of credible sexual assault reports it receives each year. Currently, the only way that a report will appear in W&L's Clery statement is if it is made in person to Mike Young, the Director of Public Safety. Mr. Young regards the report as confidential when the written log documenting the report does not include the victim's name; however, a victim must feel comfortable revealing her identity to Mr. Young in order to make this report, and the mismatch between W&L's Clery statements and NCHA/Core data indicate that most victims are not comfortable reporting a sexual assault to Mr. Young. Complainants may also report to a CAIR, dean, or others (see discussion of Proposal 2 above); however, only reports that go through Public Safety are recorded in W&L's Clery statement. This probably does not meet the requirements of the Clery Act. But far worse than

that, it leaves us without a method of centrally collecting and counting reports of sexual assault from students.

Sexual assault victims are more likely to visit the Student Health Center or University Counseling for assistance dealing with sexual assault (STD screening, emergency contraception, counseling). If a doctor, nurse, or counselor were to report a sexual assault to a central collection point (now, Public Safety) with the victim's permission, and without revealing the victim's identity, this would qualify as third party reporting. Interviews with victims have revealed, however, that victims are generally unaware that they are in a position to contribute to incident counting efforts and an accurate Clery statement. If they do not wish to pursue criminal charges or an SFHB complaint (which is most common), they are aware of no reason to file a report with Public Safety.

Student health personnel and counselors probably do not advise victims that they should make a third party report if they want the incident counted because such personnel are not required by the Clery Act to do so. That is, there is an exemption to the reporting requirement for professional counselors and there is a medical personnel-patient privilege that serves as an exemption to required reporting in the case of health center staff. Because health staff and counselors are not required (or allowed without their patients' permission) to report incidents, *health professionals may not realize that making the decision whether to file an incident report or not for counting purposes may be important to the patient.* For this reason, they may not mention the third party reporting option to the patient. In fact, no victim we spoke to was encouraged to file a report for counting purposes, and the counseling and health staff we spoke with said it was not their practice to advise patients of their option to file an official third party report through them for counting purposes, even if the victim does not wish to pursue any form

of adjudication. Students should be made aware of all of their reporting options, and all reasons to consider reporting (including if they do not wish to pursue internal or criminal adjudication).

We also believe that W&L should have an anonymous reporting system, through which victims need not identify themselves to anyone. This could be implemented using a telephone hotline. Students calling the hotline would tell what happened to them, and could get advice about how to seek help as well as filing an anonymous report for counting purposes. Again, they would have to give enough detail to avoid double counting incidents. Also, the person answering the hotline would have to evaluate whether a genuine call, and not a prank, is taking place. If in their judgment a report is genuine, they will make an incident report to authorities.

Multiple reporting mechanisms and outlets are important to provide because after a sexual assault, it is very important to give the victim as much control as possible over their situation. By having confidential, third party, and anonymous reporting, victims can remain in control, while providing W&L with more accurate information about the prevalence of sexual assault among W&L students.⁷³

Proposal 4: Mandatory Class for All First-Year Students

One common suggestion we have received from various interviews with administration, faculty, and students was to increase education on the subject of sexual assault on a smaller, more personal scale. Therefore, our final recommendation is for W&L to institute a mandatory one-credit seminar for all first-year students. The class would focus on what it means to be a member of a community, how to avoid harming other people in one's community, how to intervene in situations to prevent one member of the community from harming another, and how to help all members of the community thrive. All undergraduate students in the W&L community would learn about the collective responsibility that they shares to avoid creating, and

⁷³ Part Three contains further elaboration of recommended reporting structures.

to mitigate, dangerous situations. This course would provide opportunities for faculty and students to work together in an academic setting to improve community relations at W&L.

All faculty members who choose to participate would be trained in the curriculum and its objectives, and could choose readings on particular topics pertaining to the issues addressed in the course. The course curriculum would consist of academic readings from a variety of disciplines, including philosophy, sociology, psychology, politics, law, history, and other relevant disciplines. Each section would consist of a small group of up to 17 students that meet for one hour each week. There would be quizzes, short writing assignments, and a comprehensive final examination to test the students' growing knowledge of the subjects. Class participation would be a large percentage of the final grade, and discussion would account for the majority of class time. We expect that this academic structure would have a much greater influence on students' long-term values regarding community and respect for others than current orientation programs do, because it would be spread out across the term, would count for academic credit, and would be mainstreamed in W&L's academic learning environment instead of compartmentalized as a "student affairs" program.⁷⁴

If 9 faculty members taught 3 sections during a fall term, or 13 faculty members taught 2 sections during a fall term, or 26 taught 1 section during a fall term, all first-year students would be covered in the proposed class size. We believe that the classes will be enhanced by a diversity of faculty teaching the seminar – a variety of gender, age, race, discipline, etc. is ideal.

Topics

Some topics of discussion that have been proposed include strategies for resisting peer pressure, the value of individuality as well as group belonging, and the importance of respecting, and not harming others, who are part of one's community. Power relations, including the notions

⁷⁴ See Melina Bell's memorandum, which is appended to this report.

of hierarchy and oppression, and the value of diversity, inclusivity (i.e. race, ethnicity, sexual orientation, class, Greek affiliation or non-affiliation, etc.), and mutual respect might also be discussed. This is important because W&L traditionally is composed of a homogenous, and not very inclusive, student body. Exposing this aspect of our community may bring students to examine their values, and perhaps rely on their own values, as opposed to the values peers may try to pressure them to accept. Throughout the curriculum, academic readings about the principles of community and individual well-being could be connected directly to some of the problems created by the failure of responsibility and respect that we see at W&L.

One specific topic we believe needs to be included in this course early in the year is about typical patterns of sexual predation and W&L NCHA/Core data. The first few weeks that a first-year student spends on a college campus are the time at which they are most at risk for sexual assault. A serious, immediate, in-depth discussion that includes faculty hopefully will reduce many students' risk. Those students who are at risk of committing sexual assault, not because they are predators, but because they don't understand what behavior is acceptable, could benefit from a discussion addressing the different communication patterns that men and women use, and how this can result in unintentional non-consensual sex. Related topics include the role of alcohol when determining whether consent was given, and who is responsible; common rape myths and facts; and scenarios that are typical in a college setting. These topics would give students an opportunity to discuss the acceptability or unacceptability of certain behaviors and to understand the perspectives of members of the other sex.

Additionally, we believe this course should stress the importance of positive bystander conduct, and teach techniques for low-conflict intervention. This would give students the tools

they need to make a positive difference in the campus culture as well as to feel confident that they are in a position to prevent harm to members of their community.

At least one class could be devoted to understanding the W&L conduct system, including the different student conduct bodies and how they operate, and what the rules on alcohol, controlled substances, sex, prohibited discrimination, hazing, and matters described in the student handbook mean. What is the Honor System, and what does the EC do? This may provide an opportunity for faculty to learn more about these systems as well, since Student Affairs personnel have agreed to provide all interested faculty with the training and support they need from the student affairs end of things to address student matters with confidence.

Objectives

Throughout the process of collecting the information we needed to construct positive recommendations, many of our interviewees either demonstrated a lack of knowledge about what sexual assault was, or shared an opinion that more prevention awareness and education is necessary for inducing any change at W&L. We are optimistic that this course could help meet the awareness and education needs expressed here.

Another reason to implement this course would be to demonstrate W&L's commitment to fostering an honorable student culture. This course would give W&L students an opportunity to discuss W&L's values of honor and civility towards others in a classroom setting. This would serve as a force countervailing peer socialization, which instills the value of binge drinking and the acceptance of sexual assault as simply part of W&L's social culture.

This course requirement would increase the general sense of the seriousness of respecting members of one's community, and the urgency of changing the current disrespectful climate at W&L. The requirement would show the community that W&L takes respectful behavior and

collective responsibility seriously enough for faculty to address these in the regular curriculum. The course could make dialogue about issues such as sexual assault among male and female students more accepted and productive. It could also encourage community solutions to address behavior that shows disrespect toward others, instead of regarding this behavior as a student affairs matter or “women’s issue.”

An additional reason to require this course is that weekly meetings of the seminar would provide repeated exposure to, and many opportunities to discuss, the meaning of respect and responsibility, and applications of these values. Graded assignments and examinations would reinforce factual information (e.g., about rules and procedures) and inspire more reflection on values than orientation programming allows the opportunity for. That means that a student’s considered judgments and reflected-on values are more likely to be carried into a social setting.

The course would provide students an opportunity to deal with very intimate and important issues in a co-educational setting, providing a viable avenue for gender relations to progress at W&L. In addition, students would have opportunities to bond with the faculty member teaching the class and receive mentoring. As it is now, many students are hesitant to start a dialogue about sexual assault and other pressing social issues with each other, and some faculty likewise do not see it as their place to discuss these issues. However, as mentioned earlier, the topics this class would cover are not isolated problems – all members of the community have some responsibility to change our current practices and to educate each other to move forward.

We have found that individuals for the most part are making decisions that are individually rational for them. Male and female students are behaving rationally within the configuration of choices they have before them. They join fraternities or sororities to be

included in social life, and to have a decent place to live and eat. They want to fit in and be accepted. If for men, this means having sex with whoever you can, that is what it is rational for you to do. If this means finding a woman who is drunk or getting a woman drunk, this may make sense if it gets you accepted by your peer group, other males. This is especially true if you are unlikely to face repercussions for doing this: the woman is unlikely to report your behavior to anyone, and even if she does you are unlikely to be punished; your peer group won't look down on you at all for doing it, but hers will look down on her for reporting it.

Women are acting rationally too. They must drink alcohol at parties thrown by men, in men's houses, in order to be accepted. They must have sex sometimes in order to be accepted. They must not refuse the advances of socially powerful men or report men's refusal to recognize their refusal when they do refuse, or they will alienate both the man's peer group (his fraternity) and their own (their sorority), which is afraid of having its relationship with the fraternity jeopardized. Given the lack of quality communication among female and male students (they are not part of the same peer group), and the predatory nature of the social scene (there are penalties for men who don't "get enough" and penalties for women who say no to the wrong people), it is rational for men to exploit women, and for women to tolerate it. The rules of the game need to be changed.

Brief Student Affairs and/or peer-run orientations are not going to change the rules of the game. Research demonstrates this again and again. Sporadic student-faculty discussion addressing sexual assault is not going to change it either. Many faculty members convince themselves that sexual assault and binge drinking are student issues that are separate from classroom teaching, and so don't concern them. Many faculty members believe that changing the rules of the game is the responsibility of Student Affairs, not their responsibility. Student

Affairs appears to believe that it has done what it can, and that now students must take some responsibility for changing their culture themselves.

Many of us students want to change that culture, but we cannot do this alone. We cannot do this alone because there are many students who benefit from the status quo, or who think they do, who resist change. We need help. One way W&L could help is by requiring this seminar, which seeks to bridge the communication gap between male students, female students, and faculty. With increased discussion of sensitive, community-wide issues in a serious, long-term academic setting, we expect conversation about these topics to become more standard, and for first-year students to develop and maintain more positive and safer values, and for the community as a whole to undergo a positive change in culture.

PART THREE: UNIVERSITY POLICIES AND PROCEDURES PERTAINING TO WGS 296A RECOMMENDATIONS

Reported by Team Pink: Kara Karcher and Stephanie Hardiman

Applicable University Policies and Procedures

This section will outline the relevant sections of policies and procedures applicable to the four proposals of Women's and Gender Studies 296A, Sexual Assault Prevention Workshop.

Charter of W&L

The Charter of the Washington and Lee University (W&L) establishes that the W&L corporation shall be managed and controlled by a Board of Trustees.

Bylaws

Chapter I: The Board of Trustees

Chapter I of the W&L Bylaws pertains to the Board of Trustees. It provides that the Board of Trustees holds three meetings throughout the calendar year in February, May and October. A majority vote is required for approval or rejection of any new policy proposals or revisions requiring Board approval.

Among the eight committees of the Board, there are two relevant to pursuing implementation of our four proposals. While such committees are not always utilized in the Board's approval or rejection of change within W&L, these two committees could possibly be called to examine any or all of our proposals. These committees are the Committee on Undergraduate Academics and Admissions and the Campus Life Committee. In addition, the Board may also create special committees as it deems desirable—a potential option for our proposals. The powers and duties delegated to each committee are assigned by the Rector, who heads the Board of Trustees, and confirmed by the Board.

Chapter II: Officers

Chapter II of the Bylaws pertains to the Officers of W&L. It provides that the President is designated as the chief executive officer of W&L, under the Board of Trustees. As part of this role, the President is authorized (subject to the ultimate authority of the Board) “to make and report to the Board determinations pertaining to the composition and structure of the administrative staff.” The President’s approval may therefore be required for the creation of new staff positions, such as our proposed sexual assault prevention coordinator, unless he has delegated this authority to someone else (such as, perhaps, the Dean of Student Affairs).

According to the President’s Office page on the W&L website, the President has headed important university initiatives, such as the Strategic Plan for a Liberal Arts Education for the 21st Century, a review of the university’s commitment to socioeconomic diversity and a presentation of annual institutional priorities. The possibility of any or all of our proposals being included in a new such initiative from the President’s Office does not seem impossible, and if nothing else, our shocking sexual assault statistics should at least warrant our proposals or related proposals being included as an “institutional priority.”

In addition to establishing the President as W&L’s chief executive officer, the same chapter also calls for the Board to appoint a Treasurer to serve as the chief financial officer of the university, responsible for the authorized receipt, custody, and disbursement of university funds. Because most or all of our proposals will involve a financial commitment on the part of the university, the Board’s role as head of the W&L “corporation” and its appointed Treasurer may be pertinent to the implementation of our proposals, except as the Treasurer has delegated these duties.

Chapter IV: Faculty of the University

Chapter IV of the Bylaws pertains to the Faculty of the University. It provides that the Provost is designated as the chief academic officer of the university. The academic deans report directly to the Provost. In addition to overall responsibility for the academic program, the Provost is also responsible for the management of various university administrative areas to be assigned by the President.

Under the same chapter of the Bylaws, the law and undergraduate faculties are held responsible for the academic regulation of students, for entrance and graduation requirements, for the approval and supervision of courses of study, for the recommendation of students for degrees, and for the discipline and government of the students and all student organizations. In addition, the law and undergraduate faculties have the power to adopt such rules and regulations as may be necessary and proper for the discharge of their obligations.

The legislation, policies and actions of the faculty shall be subject to the ultimate authority of the Board of Trustees, allowing the Board to call for and review the minutes and records of the Faculty at any time. In reality, this means that the Board of Trustees is the ultimate powerholder in all such policy-related matters for the university.

Chapter V

Chapter V of the Bylaws is a collection of miscellaneous provisions. In Section 7, the Board of Trustees delegates to the Student Body the authority to determine the circumstances under which and the cause for which a student is asked to leave the university for matters involving a violation of honor. The Executive Committee of the Student Body (“EC”) is the organization the Student Body has created under the authority of Section 7.

Initially, it would appear that the EC would have a key role in enforcing students' obligation to behave honorably by refraining from sexual violence. However, in practice the EC does not play a significant role in deterring sexual violence, even though it claims jurisdiction over all matters involving student breaches of honor, including sexual violence. If an allegation of sexual assault is brought to the EC, the EC may either choose to hear it, or refer it to the SFHB.⁷⁵ We are not aware of any case in recent W&L history in which an allegation of sexual assault was brought to the EC to be investigated as a potential honor violation. This may be because, unlike the SFHB, the EC is not (as it acknowledges) trained to hear cases of such a sensitive nature. It may also be because students found responsible for violating the Honor System have a right to appeal the decision in a hearing before the entire student body and W&L community, and victims of sexual violence are unlikely to want to participate in a public hearing.

The EC is relevant to pursuing future implementation of our four proposals insofar as it is in charge of allocating funds to existing and new student organizations at W&L. EC approval is important for END IT⁷⁶ to attain official university club status and funding.

The EC may also influence the implementation of our four proposals in that the EC has the ability to put pressure on the Board of Trustees regarding issues it deems important, as an officer of the EC is required to make a report to the Board at each of its meetings. Even though the EC does not normally adjudicate complaints of sexual assault, convincing EC members to recognize the need for our proposed reforms could still have a powerful effect on whether or not our proposals will be implemented. The EC is a potential ally that has direct access to the Board.

⁷⁵ See the EC's Statement on Sexual Violence, <http://www.wlu.edu/x32584.xml>.

⁷⁶ END IT is an organization formed by the students of WGS 296A and other students committed to its mission. END IT's mission is to end sexual assault at W&L.

Organizational Hierarchy of Responsibility

It is helpful to consider the entire W&L organizational structure to see how changes might be implemented. For reference, an extensive chart depicting the hierarchy of W&L administration, faculty and staff has been included in the Appendix. In the following subsection, we will outline W&L personnel who are likely to directly impact the implementation of our proposals. Based upon the depicted hierarchy, the ultimate holder of power is the Board of Trustees, who directly employs the President to oversee the university. As part of this role, the President is required to report to the Board of Trustees on all matters related to operation of the university. Under the President, the Provost, General Counsel and the Dean of Student Affairs are delegated specific responsibilities. The Provost, in turn, oversees other administration and staff including, and of particular interest to our proposals, the Dean of the College, the University Registrar, the Assistant Provost of Institutional Effectiveness and interdisciplinary programs, such as the Women's and Gender Studies Program. The deans of the College, Williams School and Law School oversee all respective faculty and academic department and program heads.

While the Bylaws specify the general duties of the Office of the Provost, the W&L website specifies the Provost's duties in greater detail. The Provost works with other leaders to recruit and retain faculty, students and staff of the highest quality. While it could be argued that the sexual assault perpetrators that continue as students at W&L are not students of "the highest quality," the fact alone that sexual assault touches the academic lives of nearly all faculty and students and many of the staff at W&L seems to necessitate the Provost's involvement in seeking to end sexual assault at W&L.

The Provost's other responsibilities include maintaining sound policies, leading with new ideas and planning and implementing strategies for change. Arguably, the "soundness" of our

current policies relating to sexual assault could be questioned, especially considering that our sexual assault statistics have not improved, which seems to likewise necessitate the Provost's involvement. Our proposals already enumerate "strategies for change" that, with the involvement and support of the Provost, could be more likely put into action.

The Provost's Office has overseen other important initiatives on the W&L campus, including the Johnson Program in Leadership and Integrity, the Revitalization of the Undergraduate Spring Term and the Reform of the Third Year Law Curriculum. It seems that our proposals seeking to improve sexual assault prevention and decrease our sexual assault rate, particularly our fourth proposal relating to the academic curriculum, could be added to this list of endeavors. In fact, the Office of the Provost's website specifically states that the Provost is responsible for driving "activities that move the institution toward the goals implicit in the university's strategic plan and mission statement." Our sexual assault problem is counterproductive to the goals of the university and its mission statement, and judging by the types of initiatives pursued by the Office of the Provost and the responsibilities assigned to the Provost, it appears that implementation of elements of our proposals could fall under the Provost's scope of power.

Also reporting to the President, the Vice President for Student Affairs oversees staff important to our proposals, including the Director of Public Safety, the Associate Dean of Student Affairs, the Dean of First-Year Students, the Associate Deans of Students, the Director of Student Health and Counseling Services, University Physicians and Nurses, University Counselors, the Director of Health Promotion, the Director of Campus Activities, the Coordinator of Student Activities and Greek Life, and the Student Affairs Committee.

The Student Affairs Committee (SAC) is not included in the “Organizational Hierarchy of Administrative Responsibility,” which deals specifically with administrative personnel. However, SAC is an important powerholder in the university policy-making process. The Board of Trustees delegates power over student affairs (except the Honor System) to the university faculty; the faculty in turn delegates this power to SAC, which delegates some powers to subsidiary bodies including the Interfraternity Council, Panhellenic Council, the Student Judicial Council and the Student-Faculty Hearing Board. SAC retains oversight over all of the subsidiary bodies, and the faculty retains oversight over SAC. SAC is collaborative in both its duties and composition as a board, as it is responsible for considering all student-life related issues at W&L. SAC is chaired by the Vice President for Student Affairs and Dean of Students. The Associate Dean of Student Affairs and Dean of First-Year Students serves as Secretary for SAC. The Associate Dean of Student Services for the Law School is also a member of SAC, in addition to at least one law professor and four other faculty (undergraduate or law).

Student representatives from important student groups governing specific aspects of student life also sit on SAC. These representatives include the President of the Student Executive Committee of the Student Body, the Chair of the Student Judicial Council, the Head Resident Advisor, the President of the Interfraternity Council, the President of the Panhellenic Council, the President of the Student Bar Association, the President of the Second-Year Class of the Student Bar Association and the Vice-Chair of the Student-Faculty Hearing Board.

Because sexual assault at W&L is undoubtedly an issue related to student life, it is imperative that any policy recommendations stemming from our four proposals are shared with and approved by SAC. The SAC chair, the Vice President for Student Affairs and Dean of Students, is designated in the “Establishing University Policies” policy (see below) as one of the

appropriate persons to whom new policies can be recommended. In fact, the Vice President for Student Affairs and Dean of Students is specifically recognized as the designee for new policies related to student affairs. Receiving the backing of SAC and its chair is thus a crucial step in advancing policy proposals.

“Establishing University Policies”

W&L has a specific policy, “Establishing University Policies,” outlining the procedure for establishing new university policies. This policy applies to creating and adopting policies and amending pre-existing policies that are intended to apply university-wide or that will impact a substantial portion of the university. As our proposals are designed to increase the safety of all students at W&L, under this “Establishing University Policies” policy, it is possible to propose an entirely new policy or amend current policies relating to some of our proposals.

Under the “Establishing University Policies” policy, recommendations for any new policy should be made, following specific guidelines (outlined below), to the President, Provost, or their designee(s) for the appropriate areas: academic matters to the Provost; employment, fiscal, and administrative matters to the Vice President for Finance and Administration/Treasurer; and student affairs matters to the Vice President for Student Affairs and Dean of Students.

If a proposed policy is reviewed and receives approval from the President, Provost, or designee(s), it will either be effective upon the date noted (if administrative approval alone is appropriate) or sent for approval to the relevant office or entity (e.g., Faculty, Board of Trustees). Considering the far-reaching elements of our proposals, any proposed policy including elements of our proposals might ultimately require the approval of the Board of Trustees.

This policy also provides that an interim policy may be established in cases where quick implementation of a specific policy is deemed essential, and the appropriate time-frame for implementing such a policy is too short for completion of the formal process. If our proposals were deemed vital and in need of immediate implementation, it would be possible to pursue an interim policy relevant to our proposals. While this situation is unlikely, the creation of such an interim proposal would require the approval of the Board of Trustees, President, Provost or relevant designees, which in the case of our proposals would be the Vice President for Student Affairs and Dean of Students.

Any revisions to pre-existing policies, such as our current University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation, should be made to either the person who approved the most recent revision of the policy or to the responsible officer for the existing policy, which in the case of the above policy, would be the President or the Provost, Treasurer and Vice President for Student Affairs. Significant revisions or amendments to an existing policy, such as suggested in our proposals, should be approved using the same process for adoption of new policies described above.

In the event that a new policy or policy revision is approved, the responsible officer must notify the affected constituents, in our case the entire W&L community. This notification can occur through a posting on a university webpage, direct e-mail or hardcopy delivery. Any new or revised policies must also be included on the General Counsel's website listing of university policies.

The "Establishing University Policies" policy also outlines specific requirements for the format of university policies. All proposed university policies and procedures should be formally approved according to the process described above. In addition, all policies must be

maintained, regularly reviewed, and updated by the responsible officer, as necessary. They must be accessible to the W&L community and, when necessary, to those doing business with W&L. In the case of our policy proposals, it could be argued that it is “necessary” to make this policy available to prospective students, their parents and the public at large, all who may “do business” with W&L.

Policies must be distributed to all affected constituents/departments in a timely manner and posted at the Office of General Counsel’s central policy location, currently the General Counsel’s webpage. All other offices must link to the General Counsel’s official site rather than posting their own versions of an approved policy.

The format of university policies must also conform to strict guidelines. University policies should contain the following standard elements: the W&L seal, a policy title, the approval date and effective date of the policy, revision date(s) (if applicable), the name and title of the individual or entity who approved the policy and therefore can revise the policy, and the name of the office responsible for administering and updating the policy.

Procedures for Seeking Implementation of WGS 296A Proposals

We will now discuss the relevant elements of the above infrastructure and procedures in the context of future implementation of the four proposals of Women’s and Gender Studies 296A, Sexual Assault Prevention Workshop.

Proposal 1: Sexual Assault Prevention Coordinator

Summary

As part of our first proposal, we recommend hiring someone full time to coordinate and implement sexual assault programming, including public relations campaigns and prevention, and to serve as a central collection point for all reports of sexual assault across the university.

The sexual assault prevention coordinator's work responsibilities will only involve matters relating to sexual assault (education, prevention, adjudication, etc.) in the W&L community. We propose that such a coordinator oversee implementation of the Green Dot program and an anonymous, interactive computer screening program for survivors of sexual violence. In addition, this person would be responsible for beginning sexual assault programming, including education regarding the role of alcohol in sexual assault, before first-year students arrive on campus, involving students' parents in related programming and continuing such education throughout all four years of college.

Related Administrators and Bodies/Implementation

If the authority to hire new student affairs staff has been delegated to the Dean of Students, she may be able to simply create the position and begin a search to hire someone to fill it. If she does not have this authority, the President's approval may be needed to create and fill this position.

As the ultimate powerholder, the Board of Trustees could become involved in an attempt to implement our first proposal. If the specialization of a committee is required, this proposal would fall under the authority of the Board's Campus Life Standing Committee. The Rector of the Board of Trustees may nominate non-Trustee members to serve as voting members on this and any other standing committee. Because our four proposals deal with sensitive issues related to sexual assault and prevention programming that require the input and expertise of professionals, it would be advantageous for the Rector to appoint non-Trustee members to serve on any such committee if a Board committee considers our proposals. Someone involved in current sexual assault prevention efforts, such as Dr. Jennifer Sayre, Dr. Jane Horton or Jan Kaufman might be a good choice.

It should be noted that the Board of Trustees has the authority to create an entirely new committee if it desires, and it could create a new committee wholly devoted to addressing sexual assault and/or other campus-wide student issues at W&L. Such a committee could consider proposals relevant to its charge.

Because the Board of Trustees heads the W&L “corporation,” it is responsible for overseeing all matters relating to operation of the university from a business perspective. However, the University Charter and Bylaws do not specifically indicate that the Board must approve all new faculty and staff positions, and it is unlikely that the Board would retain this duty rather than delegating it to operating officers. Additionally, although creating and hiring a new staff member would naturally involve an increase in university expenditures, it is doubtful that one person’s salary would be the kind of expenditure that would require the Treasurer’s formal approval. Still, this remains a possibility.

The Office of the President could possibly play a role in the implementation of our first proposal, for example by creating a new university initiative that authorizes creation of a new sexual assault prevention coordinator position. In the President’s 2009-2010 institutional priorities, the inclusion of issues relating to academic and student life, such as the review of the Student-Faculty Hearing Board and a promise to continue engaging “students in consideration of their culture, including Greek life and gender relations,” seems to demonstrate that consideration of student life issues, such as sexual assault, can fall under the range of the President’s responsibilities. Perhaps a first step to pursuing the first (or any of) our proposals could be getting the Office of the President to include reducing our sexual assault rates as one of its 2010-2011 “institutional priorities.”

When considering the University Bylaws and governance hierarchy of the university, it appears that the Provost could also play some role in implementing this first proposal, since “student life” is one of the areas for which she is responsible. However, it is not clear whether student life issues that arise outside the classroom but affect students’ academic performance are within her domain of responsibility.

It is likely that the new position of sexual assault prevention coordinator will be established within the Student Health and Counseling area of the Division of Student Affairs, as current sexual assault prevention and education efforts are most actively pursued by employees within this area, including Student Health Center, University Counseling and Office of Health Promotion employees. Student Health and Counseling directors report to the Vice President for Student Affairs and Dean of Students Dawn Watkins, who in turn reports to the President, who reports to the Board of Trustees. The President and Board of Trustees will most likely not be directly involved with the recruitment and final hiring of a sexual assault prevention coordinator, much as the process of hiring new professors is conducted within individual departments, but the President’s involvement could come into play before this process is able to take place, as his approval might be necessary for creating and allocating funding in the first place. In the event that such a position is approved, the actual recruitment and final hiring of a new sexual assault prevention coordinator would then likely require the input and approval of the Director of Student Health and Counseling, Dr. Jane Horton. If our proposed sexual assault prevention coordinator is assigned to a different area of the Division of Student Affairs, the involvement and approval of the head of that individual area will be likewise required. Other possible areas to which the coordinator might be assigned include Public Safety, headed by Mike Young or the

Office of the Vice President for Student Affairs, headed by Dean Watkins, which oversees the First-Year Program and student conduct.

Proposal 2: A Separate and Comprehensive Sexual Assault Policy

Summary

As part of our second proposal, we suggest instituting a separate sexual assault policy, disaggregated from the University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation, that enumerates specific offenses with minimum consequences. The specific terms proposed for a new policy are outlined in Part Two, which describes our four proposals in detail.

Related Administrators and Bodies/Implementation

In order to implement our second proposal, it will be important to comply with the “Establishing University Policies” policy and follow the delineated steps required for recommending new policies for the university. First, we must establish that our proposed sexual assault policy applies university-wide or impacts a substantial portion of the university community. As sexual assault is a community issue that does not just affect individual victims and perpetrators, but rather the safety and well-being of our entire university population, it follows that a policy related to such a sweeping issue will apply university-wide by establishing the university’s no-tolerance attitude towards sexual assault incidents and clearly outlining relevant procedures and sanctions to protect the community. Recommendations for this new policy can initially be made, in the required format outlined above, to the President, Provost or their designee for the appropriate area, which in the case of our proposed policy would be Dean Watkins, Vice President for Student Affairs and Dean of Students.

Our proposal must then be reviewed and approved by the above listed administration members to which our initial recommendation was made. If administrative approval alone is sufficient, then our proposed policy, if approved, would become effective upon the date noted. If administrative approval is not sufficient, our policy proposal must be sent for further approval to the “relevant office or entity,” such as the faculty or the Board of Trustees. The policy does not explain in what situations administrative approval alone would suffice nor does it provide criteria for establishing what the relevant office or entity for a proposal might be.

Our proposal of a new, separate sexual assault policy might be met with resistance and thus not immediately receive administrative approval. One basis for such opposition is that sexual assault is already prohibited in the existing University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation and that such a policy is required by law. It is possible, however, for this university to have (as many universities have) a separate policy on sexual assault in addition to a policy that covers other areas of prohibited discrimination as required by law. In fact, given that the U.S. Department of Education’s Office of Civil Rights issued a Title IX policy clarification in 2001 requiring schools to “take prompt and effective action calculated to end” harassment such as sexual assault and to “prevent its recurrence,” the prevalence of sexual assault under the current university policy suggests that this policy may not meet Title IX’s requirements without significant revision.

In the event that our proposal for an entirely new, separate policy is denied, the “Establishing University Policies” policy also outlines the procedures for proposing recommendations or amendments to existing policies. Our proposals might then focus on the revision of the University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation. Recommendations for such revisions should be made to the person or entity that

approved the most recent version of the policy. The most recent revision of this policy took place in August 2009 and was approved by the President. Revision recommendations can also be directed to the office(s) responsible for the existing policy, in this case the Offices of the Provost and Treasurer and the Division of Student Affairs. Any substantive amendments we propose must be approved by the same process for adoption of new policies described above.

Proposal 3: Improve Anonymous and Third Party Reporting

Summary

Our third proposal recommends the implementation of well-advertised, easy to understand anonymous and third party reporting processes that would allow more accurate counting of sexual assault incidents for public safety reasons, beyond what the Clery Act strictly requires. All reports would be directed to one central authority, such as the sexual assault prevention coordinator discussed above.

Related Administrators and Bodies/Implementation

The necessary steps for reporting a sexual assault anonymously, or through third parties, could be outlined and included in the new sexual assault policy proposal. Implementation of this part of the third proposal is thus included in the previous subsection describing the relevant policies and procedures for implementing our second proposal. Within this policy proposal, descriptions of appropriate reporting processes should be carefully worded and formatted so as to make the different possible reporting options easily discernible and as easy to understand as possible.

Successful implementation of this proposal also involves the policies and procedures relevant to realizing our first proposal, as all anonymous and third party reports would be directed to the sexual assault prevention coordinator and receiving those reports would be one of

the coordinator's specific responsibilities. Including our third proposal regarding reporting in our new sexual assault policy proposal (Proposal 2), or in the job description of the sexual assault prevention coordinator (Proposal 1), seems like the most efficient way to implement our third proposal. A further challenge might be to ensure that the stipulations of our third proposal, once they are approved, are put into action promptly.

Ensuring that our reporting processes are well-advertised will require the cooperation and input of a variety of university offices, employees and student groups, including Public Safety, University Counseling, the Office of Health Promotion, the Student Health Center, Residential Advisers, Peer Counselors, employees of Elrod Commons and other employees of areas where posters, flyers, brochures and other literature detailing various reporting options are likely to be distributed. In addition, W&L Information Technology Services (ITS) personnel must update the W&L website, including an easily accessible page detailing all reporting options, and linking such a page to all other relevant university webpages, such as the "For Students" section of the Division of Student Affairs website and the Student Health and Counseling, Education and Outreach, First-Year Program, Residential Life, Public Safety and Student Conduct pages under the university's "Campus Life" website heading. Additionally, a button should be placed on the student home page dashboard entitled "Sexual Assault Help." This button should connect to the university sexual assault policy and all other resources for help, including the Student Health Center, University Counseling, Peer Counselors, Student Athlete Mentors, Project Horizon, local police, Stonewall Jackson Hospital, etc. ITS personnel should be accountable for ensuring that all these links continue to function correctly and are easy to locate using the university website's search engine.

In order to implement our third proposal, agencies, offices, groups and individuals that are designated to receive reports of sexual assault, such as Student Health Center employees, CAIR resources, University Counselors, Peer Counselors, Student Athlete Mentors, athletic coaches, and all others designated within our proposed sexual assault policy, must be thoroughly trained in their duties as report recipients and must show clear understanding of the reporting process set forth in the sexual assault policy. Right now, most of W&L's "campus security authorities" under the Clery Act are unaware of their obligation to relay credible reports of sexual assault that they receive to the appropriate parties for inclusion in W&L's annual Clery Act statement. Additionally, those personnel qualifying for the professional counselor exception should be made aware that they have the option of filing a third party report on the victim's behalf, with her permission and without revealing her identity if she wishes; the exception permits these authorities not to report sex offenses, but it does not forbid them to report.

The sexual assault prevention coordinator should provide training on the university's reporting policy to all university employees who are designated to, or likely to, receive reports of sexual assault. Any other "campus security authorities" under the Clery Act, whether or not they are exempt, should also receive the training. W&L should continue to provide multiple access points for help seeking, but these reporting outlets should not operate in isolation; rather, a coordinated central reporting system should be designed and overseen by the sexual assault prevention coordinator.

Our proposed policy would provide for the dissemination of educational literature and implementation of training programs to publicize reporting outlets, and would clearly distinguish among anonymous, third-party and formal reporting to Public Safety, judicial bodies and/or the police. The different processes and individuals involved with each different type of reporting

process should be clearly defined, and all individuals involved should be fully aware of their responsibilities as part of the reporting process. Again, the proposed sexual assault prevention coordinator would be responsible for overseeing these changes and holding all reporting outlets accountable for providing accurate information, statistics and incident reports to the coordinator's office. The coordinator would also make sure the appropriate reporting processes are streamlined and clearly described in any relevant policies, publications or webpages, in order to ensure that all reporting outlets are equipped with the same information regarding reporting procedures and that all students have access to the same accurate and consistent information, regardless of which offices they seek such information from. As with any university policy, failure to comply with this policy should be grounds for reprimand.

Proposal 4: Mandatory Class for All First-Year Students

Summary

Our fourth proposal recommends that the academic curriculum be infused with issues relating to student life, such as sexual assault, which would provide opportunities to discuss such issues in the classroom, making academics more concrete and relevant to the lives of students. This proposal recommends the creation of a one-credit, mandatory first-year academic seminar, such as the "Respect and Responsibility at W&L" course proposed by Professor Melina Bell of the Philosophy Department.⁷⁷

Related Administrators and Bodies/Implementation

Within the W&L community, the Courses and Degrees Committee (C&D) is charged with the general supervision and development of policies concerning undergraduate entrance requirements, courses of study, curricular standards, and degrees. Its function, subject to review and final action by the undergraduate faculty, includes the responsibility to study and consider

⁷⁷ See the Appendix for a memorandum describing this course proposal.

the change and improvement of undergraduate curricula and requirements for degrees, and to recommend such changes and to consider the methods and standards of instruction for all university courses. This committee meets weekly during the academic term to evaluate course proposals, revisions and other matters related to courses and degrees at W&L.

C&D is composed of the Dean of the College (Hank Dobin), the Dean of the Williams School of Commerce, Economics, and Politics (Larry Peppers), six undergraduate faculty members appointed by the President, and two student representatives appointed by the President upon nomination by the student EC. The University Registrar, Scott Dittman, also serves as a non-voting secretary.

In addition, the Provost's involvement in approving, developing and implementing a newly proposed academic requirement is likely to be required, as the Provost, under the University Bylaws, is the chief academic officer of the university. Because the Provost is responsible for the university's academic program, it is likely that the Provost will have a large say in whether our fourth proposal for a new academic course will actually be implemented. The Provost, in addition, also directly oversees administration and staff relevant to the creation of our proposed new course and/or directly involved with C&D, including the deans of the College and Williams School, faculty members and the university registrar.

Inevitably, the support of a large portion of the faculty would be required to advance our proposal mandating the creation of a mandatory seminar for all first-year students. The broad scope of such a proposal, rather than just suggesting a smaller, one-time course, such as WGS 296A, requires a greater commitment on the part of the entire faculty, both male and female and from diverse departments and programs. Efforts to appeal to individual faculty members may be helpful to gain support.

C&D has a specific procedure for proposing any sort of curriculum change or update. The “Committee on Courses and Degrees Undergraduate Course, Major or Program Change Form” stipulates that no curricular changes, such as the implementation of our proposed course, can be proposed unless all affected faculty members have been consulted. In the case of our proposed course, we should target, in advance, potential faculty members that would be likely to support the creation of such a course or that would be willing to teach it. It would probably be most effective to notify all faculty members, in order to find the most diverse group of professors possible that could teach such a course if it is approved.

The course proposal must list the department(s) and program(s) in which change is being proposed or which are affected by the proposal. For the purposes of our course proposal, it would be necessary to determine whether our seminar would fall under a specific department, under the university’s “interdepartmental” category, or would remain separate from pre-existing university departments, programs and categories.

Any course proposal must include a syllabus with the course’s proposed subject, proposed course number, proposed credit, proposed course title and a proposed catalog description. Any course prerequisites and potential course instructors are also required to be listed on the C&D form. The proposal should likewise specify the term(s) in which the proposed course is planned to be offered and whether it will be offered on an annual, biennial or other basis. In addition, the C&D form asks whether a proposed course will be required for any major or program. While our proposed course may not be required for any particular major or program in particular, it would be possible to require completion of the course in order to earn a degree, much like the Information Technology course is required of all majors in the Williams School or passing the swimming test is required for graduation.

Finally, our formal course proposal must include a catalog-type restatement of the major/program requirements showing this course's place in the curriculum, an explanation of the proposed course's impact on departmental teaching assignments and any information on availability of and need for equipment and library resources required for the course.

A concern that has been raised is whether faculty should be teaching a course dealing with complex and sensitive student life issues such as sexual assault. It has been suggested that staff from the Student Health Center or University Counseling, or students they have trained, should co-teach the course with faculty. This would mean either that health and counseling staff would be required to devote an additional 27 hours per week to teaching, in addition to their other numerous duties, or that student volunteers would have to be relied on. Perhaps instead health and counseling could provide extensive training and ongoing support for faculty who have signed on to teach a section of this course. Not only are there more faculty among whom these 27 hours could be spread, but teaching is the core function of a faculty member, and it seems appropriate that the faculty should teach an academic course that addresses citizenship and community, even without co-teachers from the health and counseling staff.

Conclusion

The infrastructure of W&L and the policies and procedures attached to it can seem cumbersome to those untrained in its complexities. Important to the implementation of the four proposals described above is persistence. Clear and constant communication with the designated offices is paramount. In gaining allies within these offices and bodies, more minds and effort can be applied to these initiatives, and perhaps the prior knowledge and interpersonal connections of these people will help to ultimately implement these proposals.

PART FOUR: POTENTIAL OBSTACLES TO IMPLEMENTATION OF OUR PROPOSALS, AND HOW TO OVERCOME THEM

Reported by Team Turquoise: Megan Steinhardt, Yasmine Espert, and Sabrina Spencer

Proposal 1: Sexual Assault Prevention Coordinator

Obstacle 1: Funding

One of the obstacles to hiring a separate sexual assault prevention coordinator is funding. Potentially one of the biggest questions being asked in the “economic crisis” is: can W&L afford hiring another full-time employee? The cost of hiring a sexual assault prevention coordinator will include more than the employee’s salary; it may extend to cover the cost of programming under the coordinator’s purview, such as the Green Dot program.

How will we overcome Obstacle 1?

In an interview, President Ruscio said there is a great deal of consideration put into the decision to hire a new employee. One of the deciding factors is priority level of the new position; for example, how much more do we need the sexual assault prevention coordinator than a new dining hall kitchen staff member? However, it has been suggested that if an important project requires funding, W&L finds a way to get it. One reason to prioritize this project over, for example, dining hall staff, is that it may be required to meet our legal obligations under the Clery Act and/or Title IX. (See Part Two—the Clery Act requires the university to collect effectively and report the number of sexual assault incidents that occur on campus, and Title IX requires the university to take prompt and effective steps to eliminate sex discrimination, including sexual assault, and prevent its recurrence. The coordinator could assist the university in meeting both of these legal obligations, which it arguably is not currently meeting.)

Additionally, there are opportunities to apply for grants. The grant application process can be time consuming, but given the urgency of the problem it may be a solution to the potential

“funding shortage.” For example, the Department of Justice’s Office on Violence Against Women has a campus grant program that W&L can apply for.

END IT’s role in overcoming Obstacle 1

END IT can offer the university its assistance in gathering any further information that might be needed to establish the urgency of this position, to find out what grants might be available, and to develop further what the student perspective is on what this position should look like and what kind of person should fill it. END IT can also volunteer to provide members for a search committee to hire the new person, or can provide assistance to the Student Affairs or other relevant office in developing the job description for this position. If the university declines to hire a sexual assault prevention coordinator, END IT could consider forming a campus-wide coalition to impress on the administration the importance of establishing and filling such a position. As a last resort, END IT could seek advice from the Department of Education regarding whether W&L might have a legal obligation to devote more resources to efforts specifically aimed at preventing sexual assault.

Obstacle 2: Determining the Division or Office with Which the Coordinator Should Associated

The coordinator might be a member of the Office of Health Promotion, with an office in Elrod Commons. They might be affiliated with University Counseling and located in Early-Fielding. Once a decision is made regarding to which office the coordinator should belong, the facilities of that office would need to be examined to determine whether they are adequate to the needs of the coordinator. It is crucial to emphasize the importance of the coordinator having private office space. This space will allow the coordinator to speak privately with students, which is absolutely necessary given the sensitive nature of sexual assault. This may suggest that

the coordinator should be affiliated with University Counseling or the Student Health Center rather than with the Office of Health Promotion.

END IT's role in overcoming Obstacle 2

END IT would be willing to collect information from students and relevant offices (Student Affairs, Health Promotion, the Student Health Center, University Counseling, Public Safety) to provide reasons for and against locating the coordinator in each office, and possibly a recommendation regarding what office would be most suitable. One factor to consider is that many colleges have a women's center, and perhaps it is time to establish space for a women's center (such as Hill House). The coordinator might be located in the women's center and head an independent office, separate from those that already exist.

Obstacle 3: Alienating Those Currently Working on Sexual Assault Prevention

W&L has staff and administration who have been working to decrease the instances of sexual assault on our campus for a number of years. It is important that we are conscious of the efforts already being made by these dedicated individuals. When we bring a sexual assault prevention coordinator to W&L, we must utilize the information we have already collected about sexual assault prevention techniques through these individuals. We will continue to rely on the expertise of our current allies, and it is therefore important to establish collaboration between our existing allies and the new sexual assault prevention coordinator. Inadvertently alienating those individuals currently working on sexual assault prevention could sever important alliances. The coordinator would be able to learn a great deal about the issue of sexual assault within the context of the W&L community from these individuals.

How will we overcome Obstacle 3?

Essentially, sexual assault prevention is too big of a task for the current staff and administration to manage alone. The alarming statistics on sexual misconduct at W&L are not improving, despite their continued efforts. Dr. Sayre, Jan Kaufman, and others are aware of this, and would benefit greatly from the assistance of a new coordinator. The proposal must be framed in a way that encourages the active support and input of our existing allies in the hiring process. Current allies have expressed frustration in past discussions when they feel their expertise is not being employed. We need to make sure our allies feel empowered to assist and educate a new coordinator as they become acquainted with the specific needs of the W&L community. We hope that collaboration between current allies and the proposed coordinator will enable the university community as a whole to begin to adequately address sexual assault.

END IT's role in overcoming Obstacle 3

END IT has a vital role in assuring collaboration and communication among current allies and the new coordinator. END IT members can act as liaisons between all allies. This will maximize the ability of the coordinator to positively contribute to the prevention of sexual assault at W&L.

Obstacle 4: Possibility of Decreasing Donations/Alumni Support by Spotlighting Sexual Assault

When asking about possible obstacles in interviews, some suggested that W&L is very concerned with the reaction of alumni and other donors and affiliates. Some do not want to upset fraternities with generous alumni. There is also the fear of attaching a bad name to W&L by admitting that we have a grave sexual assault problem. W&L is a very male-dominated campus

rooted in tradition; the fear also exists that in seeking to undermine male domination, we will lose alumni support.

How will we overcome Obstacle 4?

It might be helpful to point out to any skeptical alumni that being sexual assault central is not a good image for W&L. Also, how confident would these alumni feel if their daughters or granddaughters came to W&L that they would be safe? Wouldn't they want their descendents to be able to come to W&L and be safe?

Another way to overcome this problem is to ensure that the adjudication system is structured to handle sexual assault cases in a fair and competent manner. If we assure alumni and donors that the system through which these cases are adjudicated punishes only individuals who are unable to live up to W&L's values, we will likely gain support from skeptics.

END IT's role in overcoming Obstacle 4

END IT is the voice for the movement against sexual assault. We must make sure that members of END IT present our goals with the message that "the W&L culture of honor and tradition does not tolerate people who commit sexual assault." The amount of support for END IT will continue to grow if alumni and donors are made aware of the new approaches being taken for sexual assault prevention.

Obstacle 5: Staffing a Screening Program

Under our proposal, one of the new coordinator's jobs would be to create an interactive screening program (ISP) for survivors of sexual violence. While this is a great idea, the main obstacle here is that we may not be able to implement this system without the help of at least one other staff person who is a professional counselor. The new sexual assault prevention coordinator may not be a professional counselor, and will have many other responsibilities

relating to sexual assault prevention, as detailed in our first proposal. However, if the coordinator were to assume some of the current sexual assault prevention work now performed by university counselors, and the coordinator reduced the amount of sexual assault related counseling by reducing the number of sexual assaults, this would free up counselor time to work on the ISP.

How will we overcome Obstacle 5?

We can emphasize that ISP is a *temporary* solution. It is crucial that people participating in this service understand that, and be made comfortable enough to enter a face-to-face counseling environment as quickly as possible. This means that although a greater percentage of people who need help will be identified, the ISP portion itself should not increase counselor hours significantly, especially at a place as small as W&L. If it increases the need for face-to-face counselor time by getting more students who need counseling into counseling, this would demonstrate that W&L needs to expand its counseling staff to meet existing need.

END IT's role in overcoming Obstacle 5

END IT members would be expected to fully support this initiative and educate students about how it operates. It would ensure fellow students that their privacy is protected and that trained professionals will be offering the counseling.

Obstacle 6: Effectiveness of Educational Programming

The coordinator would facilitate and oversee initial and continuing education programs on sexual assault. One of the major obstacles is that programming relating to sexual assault is often not taken seriously by students. Many of the students who would benefit the most from education about sexual assault do not take full advantage of the opportunity, but instead “zone out.” This occurs during and even beyond orientation week. It even applies to other educational programs such as AlcoholEdu, which is taken online over the summer.

How will we overcome Obstacle 6?

Asking students what type of education they would like and what would capture their interest will be very helpful here. Students, faculty members, and members of the administration desire to learn more about sexual assault, but only if they feel they are empowered to be a part of the solution. Asking people specifically what will be helpful to them and then finding an effective way to implement those ideas is the way to solve this problem. For example, to learn how to best educate fraternity men, we need to first understand what they need to learn, then what they want to learn, and finally what method is best to get them to learn and retain the information. We could begin with extended mandatory training during a student's first year (such as contained in the fourth proposal), but then make non-mandatory continuing education available.

END IT's role in overcoming Obstacle 6

Relying on a core principle of the Green Dot program, non-mandatory continuing education can appeal to all students if we ask prominent leaders on campus that are involved in various aspects of the social scene to support it wholeheartedly. END IT members should make it their job to talk to friends in different social groups and convince them that the educational processes through which we try to educate students are valuable. For example, by convincing all fraternity presidents that it is a good idea for them to ask all of their members to participate in non-mandatory training, many more students will come and be interested than if the training is mandated.

Proposal 2: A Separate and Comprehensive Sexual Assault Policy

Obstacle 1: How to Complement the Current Prohibited Discrimination Policy

When we create a separate sexual assault policy, we will either have to remove “sexual misconduct” from the current policy, or be sure that the two policies are consistent and workable in conjunction with one another in the way they address sexual assault.

How will we overcome Obstacle 1?

First, we need to determine who could be responsible for writing and approving a new, separate sexual assault policy. One possibility is that we draft a policy ourselves, or as part of a student-faculty coalition of interested persons. Then we need to propose a policy change, according to the procedures outlined in the university’s Establishing University Policies policy (see Part Three of this report). University General Counsel would need to approve this policy, since it needs to meet certain legal requirements.

END IT’s role in overcoming Obstacle 1

END IT members could draft a proposed new sexual assault policy and seek input from both the Student Affairs division and the University General Counsel before formally proposing it according to the procedures outlined in Establishing University Policies. If others wish to assist us in the drafting and/or approval process, such assistance of course would be welcome. The proposed policy should provide a list of definitions for the currently empty “Definitions” section of the policy on prohibited harassment, discrimination, etc., providing some common examples of sexual assault (groping, unwanted kissing, etc.) to help eliminate ambiguity. END IT members can also help distribute and publicize the new policy to all constituents of the W&L community. According to the policy amending procedures, it is required that all individuals affected by the policy be made aware of the changes. Current methods are not reaching the

student body, so END IT should offer suggestions regarding how to improve the way staff, students, faculty and administration are made aware of the new sexual assault policy. Ideally, this policy would be explained and discussed in the one-credit first-year seminar (Proposal 4). It would also be beneficial to post the new policy in a subsection of the student webpage on the university website; the section of the student webpage containing the new policy should be user friendly, easy to comprehend, and easily navigated.

Obstacle 2: Controversial Changes

A policy that would adequately address the pervasive nature of sexual assault at W&L would require substantial changes from the current policy. In the current campus climate, some of these changes would be considered controversial and may therefore be met with opposition.

How will we overcome Obstacle 2?

In order to create a policy that adequately addresses the needs of the W&L community as a whole, open discussion should be held among any and all concerned members of the community. Under the current policy, there is a baseline of consent. Having a baseline of consent means that the burden of indicating non-consent (historically, by putting up resistance) in sexual situations is on the complainant. The complainant should need to show instead that she did not provide an outward manifestation of her consent, or that she did not have the capacity to consent because of her condition, e.g., intoxication. A baseline of non-consent places the burden of obtaining consent on the respondent in sexual situations, by regarding as consent only an outward manifestation that a reasonable person would have interpreted as consent, while the complainant had the capacity to consent. (See Part Two.)

Additionally, sexual assault, rape, sexual misconduct, consent, and other terminologies used to determine what types of behavior are in violation of the policy need to be clearly defined.

Concrete examples of offenses that students can easily understand and relate to should be included along with these definitions. Minimum sanctions should be specified for each type of offense. The new policy should also directly address the relationship between alcohol and consent. (See Part Two.)

END IT's role in overcoming Obstacle 2

END IT has already begun to facilitate discussion of a new policy through the recently held public forum on sexual assault. The strong response to this forum indicates that a significant proportion of the community is concerned and desires to change policies relating to sexual assault prevention and adjudication at W&L. END IT should collaborate with other student organizations and continue to move the dialogue forward. Another community forum similar to that held by WGS 296A in December 2009 could be held to engage the community in discussion regarding a separate sexual assault policy at W&L.

Obstacle 3: Centralizing and Unifying All Information

Because the current official university discrimination policy does not provide clear definitions of policy violations or provide survivors of sexual assault with information about their resources, several of the diverse groups that work on sexual assault education and response at W&L produce their own versions of a sexual assault “policy,” and all provide information on the various reporting options available to students who have been sexually assaulted. While these various unofficial “policies” attempt to provide guidance, an official, unified sexual assault policy is required to provide the community with a clear set of standards of behavior and to provide survivors with a clear path to take after a sexual assault has occurred. However, the unification of all these unofficial “policies” into one cohesive, official policy will require a

significant commitment of time and effort and an open dialogue among members of the university community.

How will we overcome Obstacle 3?

A potential place to start in overcoming this obstacle is simply to gather all of the information that is already out there and put it in one place. From there, it will be easier to decide which information is necessary, which can be excised, and what is missing. Deciding which information is most important can be facilitated by consulting with those who know the most about sexual assault, such as University Counseling and the Office of Health Promotion. Having all of this information in one place would be a significant improvement. As discussed in WGS 296A, W&L should dedicate part of its website to this collection of information, possibly linked from the student dashboard on the home page.

END IT's role in overcoming Obstacle 3

The role of END IT in overcoming this obstacle is similar to that for the second obstacle, but should also include researching all information we currently have and looking for: information that must be clarified, information that should be discarded (such as “informative techniques” that increase the likelihood of victim blaming), and information that would be good to teach the entire W&L community, including faculty. END IT could ask the Office of Health Promotion to direct Information Technology Services to link all the appropriate information, in a usable form, to the student dashboard on the university homepage.

Proposal 3: Add Anonymous and Improve Third Party Reporting

Adding anonymous and improving third party reporting options are policy changes that might be expected to face obstacles similar to those of Proposal 2. The primary objective of

adding these options is to increase the rate of reporting and help-seeking after a sexual assault. Below are potential obstacles to increasing the rate of reporting, and how to overcome them.

Obstacle 1: Lack of Adequate Employee Training

Some students feel uncomfortable reporting a sexual assault to an administrator due to the sensitive nature of the subject and their lack of familiarity with the administrator. On the other hand, many students know a member of the faculty whom they would feel comfortable reporting to if they felt invited to do so.

Although a few members of the faculty believe that their role should be strictly an academic one, most members of the faculty we interviewed like to be mentors to students outside the classroom. Counseling students on non-academic aspects of their college lives is a responsibility they are willing to accept. Despite their willingness, some faculty feel unprepared to assist students who come forward with a report of sexual assault. We received feedback from professors and coaches indicating that they wish they were better trained to deal with a report of sexual assault.

How will we overcome Obstacle 1?

A training session should be incorporated into the Faculty Academy to instruct the faculty how to be a better resource to students outside the classroom. This training should provide information on how to guide students through crises, how to re-empower survivors of violent crimes and how to recognize and address sexist behavior inside and outside the classroom. This session should familiarize faculty with the sexual assault policy and resources available to survivors of sexual assault (including but not limited to the various options for reporting). Training should be mandatory for new faculty, and the university should offer incentives for existing faculty to complete the training. Faculty who devote significant time to

informal advising and/or mentoring, which should count as a kind of teaching, should be rewarded for their efforts.

END IT's role in overcoming Obstacle 1

END IT and other concerned student organizations should collaborate with faculty and administration to develop this proposed training program. END IT could present their findings about sexual assault and the new sexual assault policy when it is created as a part of the training program.

Obstacle 2: Student Social Climate

The undergraduate social climate prevents most survivors of sexual assault from coming forward. As discussed in the WGS 296A forum presentation, a sizeable portion of the student body believes that by reporting a sexual assault, the one who reports the incident causes a greater harm to the perpetrator than he caused to the victim.

Additionally, W&L has not clearly defined sexual assault for students. This makes it extremely difficult for a number of survivors to understand a sexual assault experience, or label it appropriately. For instance sexual assault (specifically rape) is often viewed exclusively as a brutally violent act committed by a stranger, so survivors who are taken advantage of by an acquaintance and/or who do not have significant, visible bruising may not be willing or able to label their experience appropriately.

Because a large percentage of sexual assaults at W&L take place while both the perpetrator and victim are under the influence of alcohol, survivors of sexual assault often blame themselves for putting themselves in a “dangerous situation” or excuse the actions of the perpetrator because of his perceived level of intoxication.

When a survivor does label the experience sexual assault, they may still be unwilling to report the incident because of the social stigma attached to being sexually assaulted or because they may not feel confident that they will be believed and/or supported by peers, faculty, or administration.

How will we overcome Obstacle 2?

The most effective way to initiate cultural change might be through a bystander intervention program such as the Green Dot program. This program targets for education and skills training the social leaders in a population. These influential leaders model pro-social conduct in their daily interactions with peers. Once these social leaders are educated in bystander intervention techniques and begin to challenge the gender relations status quo, the majority of their peers hopefully will also adopt healthier socializing habits.

Also, increasing awareness of the hardship that survivors face when labeling, reporting, and dealing with their experiences might contribute significantly to a healthier student social climate in which survivors and all members of the W&L community are empowered to break the silence surrounding sexual assault. This type of education is best provided in small group and peer-to-peer discussions. Campus-wide poster campaigns, for example, cannot be expected to achieve this objective.

END IT's role in overcoming Obstacle 2

END IT and other groups and students concerned with sexual assault at W&L, particularly those who are social leaders, should actively engage in bystander intervention. Also, END IT can take an active role in organizing and facilitating small group discussions.

Obstacle 3: Lack of Communication and Collaboration among Organizations Dedicated to Sexual Assault Prevention

Currently, there are several offices and student organizations dedicated to addressing different aspects of the sexual assault problem at W&L. The plethora of resources available to survivors of sexual assault could empower survivors by allowing them to regain control of the situation after an attack. Additionally, the various perspectives of different groups dedicated to prevention, education, and awareness efforts have the potential to send a multi-faceted message that would appeal to the broadest possible spectrum of W&L community members. However, currently these groups are not communicating and collaborating effectively. As a result, instead of repeating one unified message which would reach most members of the W&L community, there are a number of different messages, depending on the source, and an overall disjointed, divided front.

How will we overcome Obstacle 3?

In order to have the maximum impact, all of the groups currently seeking to address the sexual assault problem should develop a unified, mutually agreed on strategy, and develop structured methods of communicating and collaborating to achieve their common goal. Hopefully, hiring a sexual assault prevention coordinator will address the lack of coordination, but until that time there needs to be a consistent interpretation of policies, a central point to collect reports of sexual assault, an understanding of the specific message that groups working on sexual assault prevention are sending, and a single, collaborative strategy through which all activists in the community are working to address the problem of sexual assault. In order to facilitate collaboration among all groups, a planning board should be formed. The planning

board should include members of student groups (such as SPEAK, KEWL,⁷⁸ 1 in 4, and END IT), staff members (such as the staff in University Counseling and the Office of Health Promotion), faculty who receive reports of sexual assault (such as CAIRs), and members of the administration (such as those who are the “end of the line” for reporting if a student does not wish to take legal action or bring a case before the SFHB). Members of any organization, even those that are not primarily dedicated to preventing or addressing sexual assault, should be invited to planning meetings if they wish to collaborate. Sexual assault is a community-wide problem and therefore requires a community-wide response to achieve an adequate solution.

END IT's role in overcoming Obstacle 3

END IT members should continue efforts to build coalitions with other student organizations, even those whose mission does not involve sexual assault, as well as with faculty and administration. Ideally, a coalition committee should be formed with representatives from each interested organization, as well as any other interested individuals, to collaborate on programming and decide on the unified message to be presented to the W&L community. The committee should create and distribute to members of the W&L community an organizational chart representing the coalition committee's delegation of tasks. It should clearly identify who is responsible for each of the individual tasks and the agreed-on approach for executing them.

Proposal 4: Mandatory Class for All First-Year Students

Obstacle 1: Will Faculty Be Willing to Require or Teach It?

It has been a concern that the first-year seminar may not receive approval from faculty. However, WGS 296A interviews indicate that many faculty members are interested in teaching this seminar. As previously stated, members of the faculty already serve students in a capacity that goes beyond their respective academic disciplines. This proposed seminar would encompass

⁷⁸ Knowledge Empowering Women Leaders, a W&L student organization.

a variety of subjects that affect every member of the W&L community. Readings and discussion topics might address emotional abuse, prejudice, sexual assault, and other forms of physical violence. Dean Watkins stated in an interview that this course would bring taboo topics into the mainstream. It is anticipated that appropriate subtopics such as social conformity and the history of W&L traditions would also be discussed.

How will we overcome Obstacle 1?

Discussion of respect, responsibility, and community can only enrich the academic experience of students and professors alike. At the moment, there are incentives for professors to enhance their scholarship. For example, professors are encouraged to publish their work and scholarly publications are an important criterion for raises and promotions. At W&L, however, excellence in teaching is supposed to be the most important basis for awarding tenure, raises and promotions, and participation in this course could serve as evidence of commitment to teaching excellence. A diverse group of faculty members can apply knowledge of their respective disciplines and life experiences to the content of the course. This will also allow the newer members of the W&L community, including faculty, an opportunity to grow familiar with W&L's culture more quickly. They would be on the front lines, and in turn would be able to serve their students more effectively. They would also receive training and support from Student Affairs to prepare and assist them in teaching this course.

END IT's role in overcoming Obstacle 1

END IT has the unique opportunity to help various professors get on board with this initiative. END IT should not only express its strong support for this proposal, but should also ask professors who want to teach this class, or who simply believe it is an important component of students' education, to put pressure on the appropriate parties to make it happen.

Obstacle 2: Establishing a Curriculum

We have heard concerns that the one-credit course does not seem to be “academic enough” for faculty to teach. However, we believe that a rigorous interdisciplinary curriculum can be developed, and that most members of the faculty, administration and student body would support this course.

How will we overcome Obstacle 2?

Each instructor would use interdisciplinary academic readings, examinations, and assigned essays as the foundation of this first-year seminar. This would ensure that the comprehensive, twelve-week course is sufficiently grounded academically. Given that this is only a one-credit course, the amount of reading and homework would be significantly less than the typical three-credit course. Before classes begin in the fall, faculty can collaborate to establish a general curriculum for the course. University Counseling and the Office of Health Promotion might also provide good advice about what the curriculum for this course might contain based on their knowledge about W&L student culture (although faculty will have to create the syllabus, since it is an academic course). The syllabus might contain suggested readings on a given topic that a professor can either use or replace with a favorite reading from their discipline.

END IT's role in overcoming Obstacle 2

END IT might supply student representatives to serve on the curriculum committee and provide student input. END IT can make suggestions as to the discussion topics addressed in the seminar. Members of END IT who have received the appropriate training could also apply to be teaching assistants. Students might be compensated in the form of academic credits or monetary payment (as is done with the Biology Department's labs, for example). Active involvement by

upper-division students is key, and peer-to-peer education is a method that is already used at W&L. As well as providing important insights into student life, this setup also ensures the engagement of upper-division students in efforts to positively change W&L's culture.

Obstacle 3: Will Students Take the Class Seriously? What is the Student Benefit?

Some have voiced the opinion that “once something is mandatory, students will not take it seriously.” There is also a widespread notion that W&L students disregard what they learn in class. Nevertheless, we believe that students would take this class seriously.

How will we overcome Obstacle 3?

Dean Watkins believes that cultural change is the solution to sexual assault at W&L. However, this is a slow process. In her words, “it takes time to turn a ship around in a canal.” This first-year seminar would not only help to broaden the conversation about sexual assault, but would encourage student and faculty activism to combat sexual assault. Some might argue that mandating this course would undermine the seriousness with which students would approach it. That may be true for some students; but it does not apply to the majority of students eager to live and learn at this unique university. Evidence for this is the close relationships that students build with their professors, which W&L students take pride in. Based on interviews with students and faculty, it is already a common practice for professors to mentor their students in areas that are beyond their academic discipline. However, there is one factor that limits the amount of mentoring a professor is able to provide--time. The proposed first-year seminar will set aside time for students and faculty to discuss issues pertinent to their social health at W&L and beyond. The college years are a time when students form their identities. The seminar is an excellent way for incoming students to proactively address the challenges they face in a university social and academic setting. A small class size (with a maximum of 17 students) is ideal for this purpose.

W&L prides itself on small classes with phenomenal faculty. This format facilitates a level of conversation that is inhibited in larger and more intimidating settings. Through thought-provoking dialogue on pertinent social issues and interpersonal relations, it is our hope that students will put aside any reservations about the mandatory nature of the course. As with many seminars already being offered at W&L, students will learn from one another and can form bonds that will strengthen outside the classroom.

There is another reason why students would not be disengaged from a mandatory course: students would make an effort to get an acceptable grade in the course, because it would affect their GPA. Students are already required to take Foundation and Distribution Requirements (FDRs) in order to graduate; despite the mandatory status of these courses, students aspire for decent grades. One should also note that repeated student discussion of their responsibilities as members of the W&L community is likely to reinforce positive values. The information that first-year students currently receive on appropriate conduct, particularly sexual conduct, is minimal. The time at which they receive this information, orientation week, is the worst time because there is so much else that has their attention. Students do not retain the plethora of information jammed into a series of informational sessions. Follow-up sessions during the fall term are offered; however, this follow-up is a short one-time program that has not proven effective. A first-year seminar would provide continuous reinforcement for a solid, twelve-week period during fall term – a time when students are exploring the college atmosphere and finding their appropriate social and academic niche.

Primary prevention should be part of this seminar. The primary prevention approach highlights the consequences of negative interpersonal behavior rather than educating students about the ways in which they can protect themselves from it. If students are made aware of

distinct sanctions for intolerable conduct they will be less likely to engage in these dangerous activities. The seminar should be discussion-based. Students would become aware of how their peers might feel in situations where harm is inflicted. We have faith in our fellow students that not only would they pay attention, but they would learn more in these seminars than they do in our current mandatory discussions of sexual assault and alcohol. Indubitably, discussion brings an element of humanity to the course. It is our hope that students would share their personal experiences; concrete examples of kinds of experiences help students understand them better. This understanding can provide the impetus for change on a campus-wide level.

END IT's role in overcoming Obstacle 3

As a student organization, END IT's central role should be to find support for requiring and teaching these classes. When we are met with opposition, it is important that END IT members explain why students will learn the information in a required course. We can explain that the programming currently in place is not effective – at W&L, if you want a student to learn something, it is wise to ask them to learn it in class. Also, the university's mission (as officially stated) is to develop the whole student, including their character and social proficiency, not just their intellect.

Obstacle 4: Equitable Treatment of All Departments and Faculty Members

Another obstacle to implementing these first-year seminars is the perception among faculty that the course requirement might differentially impact certain departments and faculty members. That is because not all professors from all disciplines regard themselves as qualified to teach this course. If W&L were to require a course that could only be taught in certain departments, it would unfairly favor (or burden?) those departments.

How will we overcome Obstacle 4?

The seminar would not be linked to specific departments, and Student Affairs has already agreed that it could provide training for any faculty member who wishes to teach it, not only those who normally deal with student life or social matters in their discipline. So a mathematics or physics professor could teach it, if they desired. Student Affairs has also expressed a willingness to provide students who are trained in student life matters to co-teach each section with faculty members who prefer to have a student assistant present. Therefore, each department's members have an equal opportunity to take part in this new course. Professors teaching this class would ideally range from a wide variety of academic disciplines, instead of always coming from the same departments.

END IT's role in overcoming Obstacle 4

END IT will gauge the interest of various professors across academic disciplines and advocate for the course by convincing professors that students want the course as a way to initiate culture change, and that it is worth their time to teach it.

Obstacle 5: Would Requiring this Seminar Contribute Uniquely to W&L's Mission?

W&L sets graduation requirements such as the FDRs and the swimming test. Departments also require that certain courses be taken to satisfy major requirements. Is there room in the academic curriculum for yet another requirement?

How will we overcome Obstacle 5?

Part of W&L's mission is to teach students "to think freely, critically, and humanely and to conduct themselves with honor, integrity, and civility." It is not clear how W&L is ensuring that it meets that mission now; it is not even clear that it is fulfilling this part of its mission. This one-credit course could uniquely assist W&L in fulfilling this aspect of its mission. The seminar

would provide opportunities to discuss the appropriate values and conduct expected of W&L students. Students would learn how to contribute to this academically rich setting, and how to function within it at their greatest potential. Mandating that the seminar be offered during the first term at W&L would help counter the effects of binge drinking, depression, sexual assault, prejudice, and other signs of difficulty transitioning to college. These factors negatively impact a student's ability to perform in the classroom and adjust to W&L's social environment. The seminar would be a setting for these issues to be addressed proactively. Students would have a better grasp of these very real issues, and be less likely to have the difficulty of transitioning to college life adversely affect their other courses.

END IT's role in overcoming Obstacle 4

END IT's role in overcoming this obstacle is to point out that this one-credit class makes it more likely that W&L students will understand and abide by W&L's rules, and that the university will be able to carry out its stated mission, in particular with respect to fostering honor, civility, and integrity in students.

Other Obstacles to Change

Obstacle 1: General Apathy

It is clear to many that the typical student at W&L is apathetic to the problem of sexual assault at our university. Many faculty members and members of the administration are also apathetic to the issue either because they do not know or understand the extent of the problem, because they do not know how to find an appropriate solution, or because they simply think the job of "ending it" is not theirs to tackle.

Athletics Director Jan Hathorn has remarked that the problem of sexual assault does not fit the general character of W&L and of what we want it to be. She adds that it is human nature to avoid the issue because acknowledging it requires one to attempt to fix it.

How will we overcome Obstacle 1?

As it currently stands, the behavior of W&L students shows general apathy to the problem of sexual assault. We are a very tight-knit community, as many have stated, and a great way to address general apathy would be to get the community to have a sense of collective responsibility for ending sexual assault. Dean Watkins suggests that the best way to change current behavior and attitudes at W&L is to effect a cultural change through a “broadened conversation,” thus making recognition of the problem mainstream. Cultural change is a slow process, which Dean Watkins compares to “turning a ship around in a canal.” However, she puts much faith in the Board of Trustees and considers them to be a strong ally for effecting cultural change, particularly because they want to hold W&L to the standards it claims to meet. They are not, however, directly involved in any policy change relating to sexual assault.

To overcome apathy, it is necessary to increase awareness without “overdoing it” and alienating one’s audience. The last thing we want is for students to see our publicity and shrug it off rather than being motivated to help create change. To overcome this, we need to make sexual assault more of a university-wide issue; we need to bring in more students who are not typically the most vocal on the issue. Reaching out to fraternity men and asking them to be a part of the solution is one way to approach this. Reaching out to first-year students is also a key part of the solution because they are the ones who have the greatest potential to influence W&L’s future student culture. First-year students are probably the most likely to believe the statistics, but they are also the most likely to be afraid of the social repercussions of standing up to their peers.

Therefore, it is important for END IT to recruit and support both first-year students and students who are not usually stereotyped as likely anti-violence activists, such as fraternity men or male athletes. One fraternity man said in an interview, “Bystander intervention is a great idea. Men would respond to this well. We want to help by weeding out the bad ones; no one thinks that rapists are good people.”

END IT's role in overcoming Obstacle 1

Dean Watkins said that “change happens when the community is here to address it,” and a lot of what END IT can do specifically is get people (students, faculty, and administration) ready to address the problem of sexual assault. One way of doing this is by convincing people that the alarming NCHA/Core statistics are accurate. The more we can put a face to the statistics, the more seriously the statistics will be taken. Once the statistics are believed, people cannot help but want to be part of the solution.

Another way to combat this obstacle is by allowing people, specifically men, to take ownership of the problem; by allowing people who currently feel like they cannot help to feel like they are helping, effecting change, and are part of the solution, we empower the community. Jan Hathorn suggests that small groups of women could help get the message out, but that we first have to empower these women to feel that they can stand up and talk about the problem. Training in bystander intervention techniques empowers people, as well as simply educating people regarding sexual assault in general. People are less able to feel apathetic to an issue that they know a lot about, especially if it is affecting their close friends.

We also need to clearly define, as a community, what behavior is acceptable, and what behavior is not. If people do not understand where the line is, it is hard for them to decide

whether they support specific measures to prevent or address W&L's sexual assault problem. Providing a consistent message and clear definitions are key to overcoming apathy.

Obstacle 2: Poor Gender Relations

Gender relations at W&L are very complicated and are a huge obstacle to combating sexual assault. We should therefore address the factors that contribute to poor gender relations at W&L, which are believed by many to be a strong causal factor in our high sexual assault rate. These factors include but are not limited to: sex-segregated housing, an alcohol-drenched social scene, a male-dominated social scene, and limited sober contact between male and female students, especially in the second, third, and fourth years at W&L.

How will we overcome Obstacle 2?

Restructuring student housing at W&L would be a helpful start. This, of course, costs money. But if we can provide evidence that new housing arrangements are likely to significantly improve gender relations, and student life on the whole, W&L might be able to obtain donor support for these improvements.

Limited sober contact and the alcohol-drenched social scene go hand in hand. Because the social scene is also dominated by Greek Life, one might suggest that there is a correlation between Greek Life and high sexual assault rates as well. We should look at ways to involve Greek organizations in creating sober "hangout" situations. Many Greek organizations will be interested in helping, especially if they are asked to participate in or help sponsor an event or campaign.

Reducing male domination of the social scene may require the most brainstorming. One idea is to have a night where women do not attend male parties to demonstrate that women can control the social scene by choosing to show up or not show up at particular parties. This has the

potential to empower women socially. Encouraging sober “hangout” situations might also help gender relations, as after first year, the sexes are physically separated through living arrangements, and contact is much more limited.

END IT's role in overcoming Obstacle 2

Often Greek houses are viewed as part of the problem, but we hope they can be part of the solution. For example, KEWL teamed up with Sigma Epsilon for *Rock against Rape*, a multi-band concert to raise awareness about sexual assault. At this event, people were invited to place a handprint on a banner if they knew someone who had been sexually assaulted. This handprint-covered banner was later hung in the Commons. END IT should organize similar events in the future. Sigma Nu came up with the original “Dating is Fun” campaign; events and suggestions like this, if sponsored by more than just a couple fraternities and sororities, could go a long way towards improving gender relations on campus. END IT has also discussed bringing to W&L Kelly and Becca’s “Are You Ready to Talk about It?” presentation, which is geared toward and popular with fraternities and sororities.⁷⁹

END IT should persuade W&L to discontinue its practice of placing condoms only in women’s restrooms, and not in men’s restrooms. This sends a message that women should be the ones responsible for sexual gate-keeping and safety. END IT should encourage women not to support events such as Jello-wrestling or aspects of “Derby Days.” All of these detract from women students’ well-being at W&L.

Obstacle 3: (Male) Fear of False Reporting

When conducting interviews, we found that men in particular were shocked by the amount of underreporting. They also expressed fear that women might make false reports

⁷⁹ See <http://www.kellyandbecca.com>.

because they regretted having sex or for some other malicious reason. Fear of false reporting contributes to victim blaming and, consequently, to an extremely low rate of reporting.

How will we overcome Obstacle 3?

U.S. Department of Justice data demonstrate that the rate of false reporting for sex offenses is very low, and the same as for other violent crimes. We can use these data to debunk the false reporting myths. Additionally, since the stigma of being raped is now much greater than the stigma of having sex outside a relationship, it should be pointed out that fabricating a rape story to exonerate oneself of “regretted sex” no longer makes any sense in our hookup culture. Finally, it is only a small fraction of rapes that are ever reported, and an ever smaller fraction that result in any sort of punishment for the perpetrator. Under-reporting and failure to believe victims are much bigger problems than false reporting, in terms of statistical prevalence. Debunking the false-reporting myth will simply require many conversations and a correct representation of the facts. Focusing on the issue of false reporting during informational sessions about sexual assault in the future is key.

END IT's role in overcoming Obstacle 3

END IT will provide peer education and will therefore need to incorporate these facts and myth-debunking information into talks and discussions with student groups. END IT needs to explain to peers that increasing the reporting rates for sexual assault incidents is important to increase safety at W&L. False reports of sexual assault are very rare, and probably even rarer at W&L than at a typical university because of the social risks victims face when they choose to report the incident. Enlisting students to contribute to the effort to get perpetrators of sexual assault away from W&L will empower them and provide them an opportunity to improve the W&L community.

Obstacle 4: Students Not Taking Prevention/Awareness Efforts Seriously

During orientation week especially, first-year students are required to attend a number of mandatory programs. Short programs (which don't appear effective) continue into fall and winter terms, but with a much lower frequency. When students are required to attend mandatory programming in its current form, there is a great deal of groaning and eye rolling. Pieces of the Puzzle, for example, is one of the events during orientation week that is the most atypical of formal programming and is expected to be a time where the facilitators (in this case mostly students) can truly grab the attention of the audience. Although this program does reach some students, others laugh during this presentation, and a large number of students do not take it seriously at all – they simply wait to get out of formal programming so they can get to parties. By the time students experience midterm and end-of-term programming, they are tired of attending university-mandated events and programming whose value they do not recognize; most tune out the information they are given. Students view these programs as perfunctory events that a university must require to satisfy legal obligations or to reassure parents, not as events that anyone believes really matter.

How will we overcome Obstacle 4?

One of the suggestions we received to overcome this obstacle is taking a more serious tone when talking about sexual assault at the beginning of the year. A very serious tone is taken when addressing the Honor System, and it is thought that if we had the same “*get out now* if you do not agree to abide by our Honor System” speech for sexual assault, then students would take it more seriously from the beginning. Students would be unable to disregard W&L's sexual assault problem if it were not passed over lightly, as it currently is.

Another suggestion is to implement the one-credit mandatory class for first-year students (Proposal 4). Because students at W&L take their academic lives very seriously and learn best in small group discussion settings, the class would be a perfect way to discuss sexual assault. Before we can expect student behavior to change, we must raise the level of education and awareness among students, faculty members, and members of the administration. END IT is committed to increasing awareness and educating the community.

END IT's role in overcoming Obstacle 4

END IT needs to create a more effective means of educating students, faculty members, and members of the administration at W&L. It should develop a plan that involves targeting widely accepted myths (e.g., if the victim was drunk it was not rape, or rape does not exist because people do not report it), while at the same time making sexual assault something that is not acceptable, specifically within the W&L community. The prevention, awareness and educational efforts can be approached in a variety of ways, and END IT needs to determine what might work best: small discussion groups, better programming during orientation week, a first-year seminar, continued programming throughout the year, or a combination of these. END IT could then advocate for the type of program it considers most effective.

Obstacle 5: Diversifying Dialogue and Representation

Because W&L is dominated by upper class, white, male students, it is their perspective that is most often heard and thought to be the “right one.” However, there are many considerations of diversity that come into play. First, because the ethnic and/or racial minority voice is not the most dominant one, it is not always heard. Minority students are underrepresented on policymaking bodies and their voice is lost in the same way that the female voice is lost on these policymaking bodies (EC, SAC, etc.). Second, the traditional student does

not always experience W&L in the same way as a minority student; many of the trials and tribulations of college life are the same, but there are small intricacies of life that are different for every student, and it is important to consider how these differences might affect a student. For example, minority students tend to socialize with students at other campuses more than traditional W&L students do. Also, minority students are tokenized at W&L, and may not feel comfortable speaking out (objecting to injustice, running for student government, or even reporting sexual assault) for that reason.

How will we overcome Obstacle 5?

As W&L gradually moves to making its campus more diverse, inclusion of diverse voices will hopefully become common practice. More interviews and forums should be held to encourage conversation on the intersectionality of race, gender, sexual orientation, etc. Until the entire university is made aware of the predicaments specific to minority groups at W&L, minority individuals will not be able to benefit from policies, including a sexual assault policy, in the way traditional students are able to benefit. One of the objectives of Proposal 4 would be to address some of these issues in a classroom setting, exposing all first-year students, and not just “the choir,” to the value of diversity in its many forms.

END IT's role in overcoming Obstacle 5

END IT and other student organizations should make every effort to encourage minority students to run for power positions and support them when they run and when they are elected. KEWL has promoted women, with some success, for inclusion in student leadership roles. END IT members can encourage minority students to join, or form an alliance with, the organization so that they can make sure that the voices of minority students are heard as well. END IT should also make an effort to support existing organizations run primarily by and for minority

populations at W&L. This will facilitate a more sincere and effective effort toward making W&L's social climate one that is inclusive and safe for all.

Concluding Message

Support for ending sexual assault is growing at W&L. END IT values participation by the entire W&L community in efforts to end sexual assault. END IT is committed to keeping the community informed and empowered to work for change together.

LET'S END IT.

APPENDIX

To: Potential Committee Members

From: Melina Bell

Date: January 19, 2010

Re: Proposal for a mandatory first-year seminar entitled, "Respect and Responsibility at W&L"

I envision this as a mandatory seminar taken by all first-year students. It would focus not on health behaviors that cause self-harm, but on responsibility to others, avoiding harming others, and helping others. I am willing to coordinate this program and its curriculum development.

Curriculum. Its curriculum would consist of academic readings from a variety of disciplines. All faculty who wish to participate could be trained in the curriculum, and could use readings from a suggested reading list or choose their own readings on a particular topic, as long as it covers the week's issue. Student affairs personnel have already indicated their willingness to provide appropriate training (possibly in late August) and support for this course. They have even offered to provide trained students to co-teach the course with any faculty member who would find that helpful. No prior expertise in student affairs issues would be required; any faculty member who wished to could teach one or more sections of this course after receiving training.

Format. Each section would consist of a group of approximately 17 students that meet for one hour each week. There would be quizzes and/or short writing assignments, and a comprehensive final exam. Class participation would be a large part of the grade, and discussion would take up about half of each class period.

Faculty coverage. If nine faculty members taught 3 sections during a fall, or 13 faculty taught 2 sections during a fall, or 26 taught 1 section during a fall, all first-year students could be covered. Faculty could count their sections flexibly toward their 5 ½ course per year load. Ideally, approximately half of the faculty participating should be women, half men. It is important to have other forms of diversity as well (age, race, discipline, etc.).

Objectives

Reflection on values. A major purpose of the seminar would be to engage students in discussions about what their values are and how they understand their moral obligations within a community, and to consider what sorts of typical W&L student behavior exemplify, and what sorts fall short of, their own moral principles. For example, many students profess to follow the rule "Treat others as you wish to be treated." Many also fail to see how, for example, pressuring someone to become intoxicated with the purpose of diminishing her judgment so that she engages in sexual behavior she would not otherwise engage in might violate this principle.

Others might fail to appreciate the presence of “pressure” in such circumstances or how such behavior might cause harm to another or undermine another’s self-government. Engaging in discussion with a variety of perspectives represented could help students to understand one another’s values, feelings and circumstances, and cultivate empathy. Part of our educational responsibility, in my view, is to help students reflect on these matters before unreflective mimicry of their peers’ behavior and internalization of their peers’ values mold their developing identities and personalities.

Repeated exposure to considerations of values congruence, and having graded assignments related to these exercises, would encourage students to engage in an ongoing process of reflection on their identities and values. The extended period over which this process takes place would give it a more central place in their experience, rather than being material that can be forgotten after an orientation or extended orientation session.

Seriousness of issues. The seminar would be evidence that the university takes character development and pro-social conduct seriously enough to have courses devoted to their promotion taught by faculty, as part of the regular curriculum. These classes, issues and discussions would “normalize” campus life dialogue between male and female students instead of falling into the “feminism,” “women’s studies,” or “university administrators as police” model.

Mixed gender discussions/bonding and faculty mentorship. This course allows an opportunity to discuss intimate and important issues in a mixed gender context, and it allows students an opportunity to bond with a faculty member whom they are accustomed to discussing these types of issues with. This would provide an additional important avenue for close faculty-student mentoring.

Cultural change. This course might be expected to cause a substantial change in campus climate, with measurable results in student culture in 4-5 years. It has the potential to break the cycle by which incoming students are quickly assimilated to the problematic campus culture that exists. College students are at a highly impressionable, crucially formative stage of life.

Literature may be drawn from philosophy, sociology, psychology, politics, law, history, public health and other relevant disciplines.

Topics covered might include:

- Strategies for resisting peer pressure to conform, the value of individuality, diversity, and respect for others’ self-government, and the importance of not contributing to activities that harm others.
- Collective action problems, and how to break out of them.
- The value of a culture that makes learning easier and more successful, and how to develop and/or support one.

- Oppression, hierarchy, and power relations, and how they affect people who belong to various social groups.
- Inclusivity, diversity, and group membership: race, ethnicity, sexual orientation, class, Greek affiliation or non-affiliation, etc.
- Patterns of sexual predation, and awareness of the “red zone,” the period from arrival on campus to Thanksgiving, during which sexual assault is most likely to occur on college campuses nationwide. Discuss the W&L National College Health Assessment data with students early in the red zone.
- Different communication patterns used by men and women, and how lack of sensitivity to these can lead to unintentional nonconsensual sex, poor gender relations generally, and other adverse outcomes.
- The role of alcohol in determining whether there is consent/perpetrator responsibility in cases of sexual assault, and other issues of community responsibility related to alcohol use.
- Common rape myths vs. facts. Hypothetical scenarios that involve sex while under the influence of alcohol, or other risky features of the college social scene.
- Student judicial bodies and how they operate (EC, SFHB, SJC, UBA, IFC, Panhellenic). Other relevant university policies and procedures.
- The potential benefits of positive bystander conduct; techniques for low-conflict intervention.

And so forth.

Charter of the Washington and Lee University

(a) The name of the Corporation is The Washington and Lee University.

(b) The principal office of the Corporation is located at Lexington, Virginia.

(c) The purpose of the Corporation is to promote, maintain, and conduct a college and university for academic, scientific, and professional education and learning, with all the rights, privileges, and powers necessary, proper, usual and customary for such institutions, including the right to receive, hold, and use gifts, legacies, and bequests, and to accumulate endowment funds and properties and property rights and interests, and to invest and reinvest the same; to award academic, scientific, professional, and honorary diplomas and degrees; to promote educational, scientific, and professional research, investigation and progress; to conduct laboratories, and all such business enterprises as may be incident to or proper for the general purposes of the Corporation; to borrow money, execute notes and bonds and secure the same by a lien upon its real estate or by pledge of collateral; to sell and issue annuity bonds for the benefit of the Corporation; to guarantee and become surety for the obligations of organizations of the faculty and of the students of the Corporation to the extent that the same is deemed to be for the benefit of the general purposes and affairs of the Corporation, or of any other person, firm, corporation, or association, for the purpose of promoting the interests of the Corporation; and to have and execute all powers and rights conferred by the laws of Virginia on corporations of similar kind and character. The foregoing enumeration of powers and purposes shall be construed in furtherance of, and not in limitation of the general powers of the Corporation.

(d) The Corporation shall be managed and controlled by a Board of Trustees. The President of the University shall be a member of the Board, ex officio. The terms of office of all Trustees shall be four years. The Trustees shall elect their own successors, but the Board may make provision in its by-laws for the nomination of Trustees by the Washington and Lee Alumni Association. The Board may make reasonable provisions in its by-laws for the removal and retirement of Trustees.

(e) The Trustees shall elect one of their own number as presiding officer, with the title of Rector, and shall also elect a President of the University, who shall be President of the Corporation, a Secretary, and a Treasurer of the Corporation, and such other officers, agents, and employees as may be provided for by the by-laws.

(f) The period for the duration of the Corporation shall be unlimited.

(g) The amount of real estate to which the holdings of the Corporation shall at any time be limited is one hundred thousand acres.

(h) The Board of Trustees, by by-law or by resolution passed by a vote of the majority of Trustees in office, may designate two or more of their number to act as an Executive Committee, and the Executive Committee, to the extent provided for in such by-law or resolution, shall have and exercise the powers of the Board of Trustees in the management of the business affairs of the Corporation, provided, however, that no real estate of the Corporation forming a part of its campus or within one-half mile thereof shall be sold, nor shall the Rector, the President, any Trustee or professor with tenure be elected, except by a vote

of a majority of Trustees in office. By a vote of the majority of Trustees present at any meeting at which a quorum is present, the Board may appoint such other committees as it may deem proper.

Adopted October 10, 2002

Effective November 22, 2002 through Issuance of Articles of Amendment from State Corporation Commission

I:/bylaws/CHARTERdec2002final.

Bylaws

CHAPTER I: The Board of Trustees

1. The Board of Trustees shall include the President. The Board shall consist of not fewer than fifteen members nor more than forty members, with such number to be determined by the Board of Trustees from time to time. Trustees shall be nominated by the Committee on Trusteeship and elected by the Board. Except for the President, each Trustee shall serve a term of four years until re-elected or until a successor is elected and takes office. A Trustee shall be eligible for re-election to the Board for a second four-year term. Under the following limited circumstances, a Trustee may be re-elected to a third term of up to four years: i) the Trustee is the Rector, ii) the Trustee is the Rector-elect, or iii) other extraordinary circumstances to be determined by the Board. A former Trustee shall be eligible to be elected again as a Trustee two years following his or her final meeting.

2. A Trustee who serves an initial four-year term shall become a Trustee Emeritus upon the completion of service as a Trustee. A Trustee Emeritus may continue to attend meetings of the Board and participate in its deliberations and may be appointed as an advisory member of the Executive Committee or any other committee of the Board, but shall have no vote and shall not be counted in computing a quorum at any meeting or in determining the total number of Trustees required or permitted by the Charter or the bylaws as constituting the Board.

3. The Board shall hold at least three meetings during each calendar year in the months of February, May, and October or at such times and places as the Board may determine. The Secretary shall give or mail written notice of meetings to each Trustee at least ten days before the date of the meeting, but failure of the Secretary to give notice shall not affect the validity or regularity of any such meeting.

4. A special meeting of the Board may be called at any time by the Rector or the President, and shall be called upon the written request of any three Trustees. Written notice of any special meeting of the Board shall be given or mailed by the Secretary to each Trustee at least ten days before the date of the meeting.

5. A majority of the Trustees shall constitute a quorum for the transaction of business at any meeting. Except as otherwise provided by law or these bylaws, the action of a majority of the Trustees present at any meeting at which a quorum is present shall be the action of the Board. In the absence of a quorum, a meeting may be adjourned by those present until such time as a quorum is present.

6. The affirmative vote of a majority of the Trustees shall be required for the election of the Rector, the President, a Trustee, and the Executive Committee of the Board, for the appointment of a Professor to a position with tenure, and for the sale of real estate forming a part of the University campus or within one-half mile thereof, and for such other matters as the Board may specify by resolution. Prior to the end of a Rector's term, the Trusteeship Committee shall be responsible for administering the nominating process and submitting a Rector candidate to the Full Board for election.

7. The Board, for any cause which it may deem sufficient, including failure or unwillingness to abide by policies and regulations of the Board of Trustees, failure or unwillingness to carry out the duties of a trustee, or

for actions that negatively reflect on the University, may remove a Trustee from office upon the affirmative vote of three-fourths of the Trustees. If a Trustee fails to attend three successive regularly scheduled meetings of the Board, the Board by the affirmative vote of a majority of the Trustees may declare that position to have been vacated.

8. There shall be eight (8) Standing Committees of the Board; namely, an Executive Committee, as more particularly described in Chapter III; a Committee on Undergraduate Academics and Admissions; a Finance Committee; a Campus Life Committee; a Committee on Trusteeship, a Development and External Relations Committee, a Capital Projects Committee, and a Law School Committee. In addition, there shall be two (2) standing subcommittees of the Finance Committee entitled i) the "Audit Subcommittee", to include three (3) or more board members with at least one member or the Subcommittee as a whole having experience in financial matters, and ii) the "Investment Subcommittee". The Board may create such Special Committees as it deems desirable from time to time. To the extent not otherwise specified herein, the Chairman and members of each Standing and Special Committee shall be appointed annually by the Rector, or when otherwise desirable by the Rector, and shall be confirmed by the Board. Except for the Executive Committee, the Rector may nominate non-Trustees to serve as voting members on any of its standing committees for terms to be determined by the Board. These non-trustee committee members shall be elected by the Board. The powers and duties delegated by the Board to each such committee, shall be assigned annually, or when otherwise desirable, by the Rector, and shall be confirmed by the Board. To promote the effective and efficient governance of Washington and Lee University, and consistent with the authority granted by the laws of the Commonwealth of Virginia, the Board of Trustees has elected to establish the foregoing standing committees and subcommittees ("committees") of the Board, and to delegate primary substantive and oversight responsibilities to such committees for matters which would otherwise be exercised by the Board as a whole. By doing so, the Board is neither expanding the scope of fiduciary obligations for members serving on these committees nor altering the standards of applicable conduct for individual trustees or its committees under the laws of the Commonwealth of Virginia.

9. Upon request, the Trustees shall be reimbursed from the funds of the University for expenses incurred in attending meetings of the Board and committees thereof and for any other expenses properly incurred on business of the University.

CHAPTER II: Officers

1. The **RECTOR** shall be the presiding officer of the Board of Trustees and shall chair the Executive Committee. He or she shall be a Trustee elected by the Board; shall hold office for a term of four years from the date of election or until a successor is elected; and may serve successive terms in office. The Rector shall preside over all meetings of the Board, be the spokesperson for the Board, and shall perform such other duties as may be assigned by these bylaws and as the Board may determine from time to time. In the Rector's absence from a meeting of the Board, a Trustee selected by the Rector shall preside, and if the Rector is unable to name a temporary substitute, the Trustee present who is senior in service shall preside. A vacancy in the office of Rector shall be filled by the Trustee who is senior in service until a new Rector is elected.

2. The Board shall elect, as officers of the Corporation, a President, a Treasurer, and a Secretary. The President shall receive compensation as determined by the Board and shall hold office at the pleasure of the Board. The offices of Secretary and Treasurer may be occupied simultaneously by one person.

3. The **PRESIDENT** of the Corporation shall be the chief executive officer of the University. He or she shall supervise and direct the other officers of the Corporation and the administrative staff. Subject to the

ultimate authority of the Board, the President shall make and report to the Board determinations pertaining to the composition and structure of the administrative staff, and shall make and report to the Board all appointments to and promotions within the Faculty. Appointments resulting in tenure shall not become effective until approved by the Board.

The President shall be a member and ex officio chairman of the Faculty, and shall appoint and be a consulting member of each committee thereof.

The President shall in general oversee, supervise, and direct the policies and development of the University as prescribed by the Board and shall have primary responsibility to the Board in all areas of the University's work not otherwise assigned by the Board. He or she may from time to time delegate to the other officers of the Corporation, the administrative staff, or the Faculty, such portion of his or her duties as deemed appropriate or as the Board may direct.

The Provost shall act for the President in the event of the President's absence, temporary disability, or death (until further action by the Board). Upon the death of the President, the Executive Committee shall name an acting President, subject to the approval of the Board, pending the election of a President by vote of the Board of Trustees.

Annually, at such time as the Board may determine, the President shall report to the Board on the status of all matters entrusted to the President. He or she shall submit to the Board annually a proposed budget of operating expenditures and estimated income for the next ensuing fiscal or academic year, and the Board may approve, disapprove, or modify such proposed budget.

4. The **TREASURER** of the Corporation shall be the chief financial officer of the University; shall be responsible for the authorized receipt, custody, and disbursement of University funds; shall maintain and be custodian of the financial accounts and records of the University; and, subject to the direction and prior approval of the Board, shall have administrative responsibility for the investment of the funds of the University.

The Treasurer shall give such bond for the faithful discharge of his or her duties as the Board may direct. The Treasurer's accounts shall be audited and certified annually by a certified public accountant firm or corporation approved by the Board, and he or she shall make an annual financial report to the Board at such time as the Board may determine. In general, the Treasurer shall perform all duties incident to the office of Treasurer and such other duties as may be assigned by the President or the Board.

5. The **SECRETARY** of the Corporation shall be responsible for the recording of the proceedings of the Board and its committees. At least ten days prior to any meeting of the Board, the Secretary shall send the minutes of the preceding meeting of the Board to every Trustee, but the failure of the Secretary to comply with this provision shall not affect the validity or regularity of any meeting. As required by section three of Chapter I, the Secretary shall give written notice to the Trustees of all meetings of the Board. The Secretary shall be responsible for the custody of the records of the Board and its committees, the custody and authorized use of the seal of the Corporation, the giving of notice of the meetings and actions of the Board and its committees whenever such notice is required or appropriate. In general, the Secretary shall perform all duties incident to the office of Secretary and such other duties as may be assigned by the President or the Board.

CHAPTER III: Executive Committee

1. The **EXECUTIVE COMMITTEE** shall consist of the President, the Rector, and six or more Trustees appointed annually by the Rector and confirmed by the Board. The Rector shall chair the Committee. The Committee shall meet at such times as it or the Board may determine and at the call of the President, the Rector, or any two members of the Committee. A majority of the members of the Committee shall constitute a quorum for the transaction of business at any meeting thereof, and the action of a majority of the members of

the Committee present at any meeting at which a quorum is present shall be the action of the Committee. The Secretary of the Corporation shall be the secretary of the Committee.

Subject to the ultimate authority of the Board and between meetings of the Board, the Executive Committee shall possess the full authority of the Board in the management of the Corporation, except where the Board has by resolution expressly reserved to itself certain authority, and except for the election or removal of the Rector, a Trustee, or any Corporate Officer, or for the appointment of a Professor with tenure, and except for the sale of real estate forming a part of the University campus or within one-half mile thereof, and except for the amendment of these bylaws.

At each meeting of the Board, the Secretary shall present the minutes of any interim meetings of the Committee.

CHAPTER IV: The Faculty

1. The FACULTY shall consist of only those full-time personnel appointed under one of the following designations: President, Provost, Associate Provost, Professor, Associate Professor, Assistant Professor, or Instructor. The academic deans shall also be members of the faculty. Other employees of the University who have the privilege of teaching or research may be so designated by the Provost or President upon recommendation of the respective dean. Faculty in phased retirement shall also be considered faculty. As used in these bylaws, the term "Faculty" or "University Faculty" means the University faculty except where the reference is explicitly to the law or undergraduate faculty.

2. The **PROVOST** is the chief academic officer of the University, through direct reporting from the academic deans. The Provost is a tenured member of the faculty with rank in one of the University's academic departments. In addition to the overall responsibility for the academic program, the Provost is responsible for the management of various University administrative areas to be assigned by the President.

The Provost shall act for the President in the event of the President's absence, temporary disability, or death consistent with these bylaws.

The Provost or the President's designee shall chair the President's Advisory Committee and shall perform such duties as may be assigned by the President.

3. The law and undergraduate faculties shall be responsible for the academic regulation of students, for entrance and graduation requirements, for the approval and supervision of courses of study, for the recommendation of students for degrees, and for the discipline and government of the students and all student organizations, respectively, except as set forth at Chapter V, Section 7. The law and undergraduate faculties may adopt such rules and regulations as may be necessary and proper for the discharge of their obligations.

4. The President shall be chair of the Faculty and shall preside at University and undergraduate meetings unless the Provost or another member of the faculty is appointed by the President to preside. The Dean of the School of Law shall preside at meetings of law school faculty unless the President, Provost, or another member of the law faculty is appointed to preside by the President, Provost, or Dean of the School of Law. The academic Deans shall be appointed by the President after consultation with the Provost, subject to the approval of the Board. The academic deans shall perform such duties as may be assigned to them by the President, Provost, or the Faculty. The Provost shall be appointed by the President, subject to the approval of the Board, and shall perform such duties as may be assigned to him or her by the President.

5. At the call of the President or Provost, the University faculty shall meet not less often than once in the

fall and once in the spring of each academic year. The action of a majority of the faculty members present at any meeting at which a quorum is present shall be the action of the University faculty. The undergraduate faculty shall meet at the call of the President or Provost. The law faculty shall meet at the call of the President, Provost, or the Dean of the School of Law. The law and undergraduate faculties shall conduct business pursuant to their established rules.

6. In University, undergraduate, and law faculty meetings, members of the respective faculties, and others who teach at least one-half of a normal teaching assignment, shall have the privilege of the floor. All such persons shall have the right to vote, except those whose non-renewable appointments are for one year or less.

7. The legislation, policies, and actions of the Faculty shall be subject to the ultimate authority of the Board, and the Board may call for and review the minutes and records of the Faculty at any time.

8. A Faculty member who does not hold a position with tenure may be removed by the President. A Faculty member who holds a position with tenure shall not be removed without the approval of the Board, and such removal shall not take place until a hearing pertaining to the cause of removal shall have been held, the hearing to be conducted in such manner and by such person or persons as the Board or the President may prescribe in each instance. The Board shall not act to approve the removal of a Faculty member with tenure until it shall have concluded that a hearing has been held and until it shall have specifically considered the adequacy of such hearing. In the event the Board should determine in a particular instance that a hearing has not been held or was inadequate, the Board or the President may order that another hearing be conducted.

CHAPTER V

1. Freedom of Worship

Freedom of worship, as guaranteed by the laws of the State, shall be enjoyed by all connected with the University, and all sectarian influence in its government is hereby prohibited.

2. The Lee Memorial Chapel

The chapel on the University grounds, erected during the presidency of General Robert E. Lee and under his direction, shall be known as "The Lee Memorial Chapel."

This chapel may be used for the commencement and other University exercises and meetings, but it shall not be used for any meetings or purposes not in keeping with its consecrated character and the memorial and sacred purposes to which it is dedicated.

3. Founders' Day

January 19 of each year, the anniversary of the birth of Robert E. Lee, has been designated and set apart by the Board of Trustees as Founder's Day, and that day (or a day as close to that date as practicable) shall be observed annually, with appropriate commemorative exercises, including an appropriate address before the President, Faculty, officers, student body, alumni, and friends of the University by a speaker of high character and distinction, to be selected by the President and the Faculty, or an appropriate committee thereof.

4. Oath of Office

Each Trustee, Rector, and President, when entering upon the duties of office, shall make oath or affirmation to the following effect before the Rector, Executive Committee, or Board: "I do solemnly swear (or affirm) that I will faithfully discharge the duties of the office to which I have been elected by the Trustees of Washington and Lee University, to the best of my skill and judgment, without fear, or favor. So help me God."

5. *Honorary Degrees*

The President's Advisory Committee and the Rector of the Board shall constitute a Committee on Honorary Degrees which shall be chaired by the Provost. The Board, on its own initiative or upon recommendation of the Committee, may from time to time grant such honorary degrees as it deems proper, and must approve honorary degree recipients.

6. *Advisory Committee*

To the end that the knowledge and views of the Faculty may be appropriately represented and understood in connection with certain important appointments, there shall be an Advisory Committee consisting of the Provost, the academic Deans and of eight Faculty members selected from and by the undergraduate faculty and one Faculty member selected from and by the law faculty. The Board shall consult with the Committee in considering the selection of a President of the University. The President shall consult with the Committee in considering the selection of a Provost, Department Head or Dean and may consult with the Provost, Committee and with the appropriate Department Head or Dean in considering appointments to the Faculty.

7. *The Honor System*

In keeping with cherished traditions, the Board of Trustees has delegated to the Student Body the authority to determine the circumstances under which and the cause for which a student is to be dropped from the rolls of the University for matters involving a violation of honor. In the fulfillment of this responsibility, the Student Body may create such student organizations and adopt such procedures as may be appropriate. An officer of the Executive Committee shall make a report to the Board at each of its meetings.

8. *Indemnification*

The Corporation shall indemnify each Trustee and Officer and may indemnify any other employee or agent of the Corporation against liabilities (including judgments and fines and reasonable attorneys' fees, costs, and expenses) incurred by him or her in connection with any actual or threatened action, suit, or proceeding, including a proceeding brought by or in the right of the Corporation, to which he or she may be made a party by reason of being or having been a Trustee, Officer, employee, or agent of the Corporation or any affiliated corporation (any of which actual or threatened actions, suits, or proceedings are hereinafter referred to collectively as a "proceeding"), except in relation to any proceeding in which he or she has been adjudged liable because of willful misconduct or a knowing violation of the criminal law or where a Trustee or Officer has been adjudged liable to the Corporation (such behavior is hereinafter referred to collectively as "misfeasance").

For Trustees and Officers, in the event of the payment of a judgment or fine in any proceeding in which no determination of misfeasance has been made, or in the event of a settlement or other disposition of a proceeding, the Corporation shall indemnify each Trustee or Officer against any payments made or obligations incurred by him or her (including reasonable attorneys' fees, costs, and expenses), provided that such indemnity shall be conditioned upon a prior determination made (i) by the Board of Trustees by a majority vote of a quorum consisting of Trustees who were not parties to such proceeding, or (ii) if such a quorum is not obtainable by a majority vote of a committee duly designated by the Trustees to consist of two or more Trustees who were not parties to such proceeding; or (iii) if a quorum of disinterested Trustees so directs, by independent legal counsel, with the Board, committee, or counsel to find that the Trustee or Officer has no liability by reason of misfeasance and that such payment or obligation was reasonable. Moreover, the Corporation shall indemnify a Trustee who has entirely prevailed in defense of a proceeding to which he or she was a party because of being a Trustee.

For other employees or agents, in the event of the payment of a judgment or fine in any proceeding in which no determination of misfeasance has been made, or in the event of a settlement or other disposition of a proceeding, the Corporation may indemnify such employees or agents against any payments made or obligations incurred by him or her (including reasonable attorneys' fees, costs, and expenses), provided that such indemnity shall be conditioned upon a prior determination made in the same manner as the determination

that indemnification is permissible and expenses reasonable for Trustees and Officers as set forth above.

The Corporation shall pay for or reimburse the reasonable expenses incurred by any Trustee or Officer, and may pay for or reimburse the expenses incurred by any other employee or agent, who is a party to a proceeding in advance of final disposition of the proceeding if a determination is made that the facts then known to those making the determination would not preclude indemnification, and if the Trustee, Officer, employee, or agent has advised the Corporation in writing that he or she believes in good faith that he or she has not engaged in misfeasance, that he or she believed his or her conduct was in the best interests of the corporation, and that he or she will repay the advance if misfeasance or failure to meet the standard of conduct prescribed by Va. Code 13.1-878, as amended, on his or her part should ultimately be determined.

The Corporation may further indemnify any Trustee, Officer, employee, or agent in any other manner permitted by law and shall indemnify them if so directed by the Board of Trustees and permitted by law. The right of indemnification hereby provided shall be administered consistently with Section 13.1-875, et seq of the 1950 Code of Virginia, as it may be amended from time to time, and shall not preclude any other rights to which any Trustee, Officer, employee, or agent may be entitled pursuant to applicable law.

9. Amendment of Bylaws

These bylaws may be amended by the affirmative vote of a majority of the members of the Board in office at any meeting of the Board. Any bylaw provision that requires the affirmative vote of more than a majority of the members of the Board in office for action, shall be amended only by such extraordinary vote.

Effective: February 5, 2000

Ratified: May 13, 2000

Amended and effective: October 28, 2000

REVISED: February 9, 2002 (Ch. I, paras. 1, 2 (concept approved); Ch. I, para. 8, by Trusteeship Committee)

REVISED: October 10, 2002 (Ch. I, paras. 1, 2 (language approved from 02-09-02); Ch. I, para. 8)

REVISED: February 8, 2003 (Ch. I, paras. 1, 8; Ch. II, paras. 1, 3; Ch. IV, paras. 1, 2, 4; Ch. V, paras. 3, 4, 5, 6, 9)

REVISED: May 17, 2003 (Ch. I, para. 8)

REVISED: February 7, 2004 (Ch. V, para. 3)

COMMENT ONLY REVISED: May 22, 2004 (Ch. 1, para. 1)

REVISED: October 23, 2004 (Ch. IV, para. 5)

REVISED: May 7, 2005 (Ch. I, paras. 1, 8)

REVISED: July 27, 2005 (Ch. II, para. 1; Ch. III, para. 1)

REVISED: October 22, 2005 (Ch. II, para. 1)

REVISED: February 4, 2006 (Ch. I, para. 6)

REVISED: October 20, 2007 (Ch I, para 1; Ch. II, para. 3; Ch. IV, paras. 2, 4, 5)

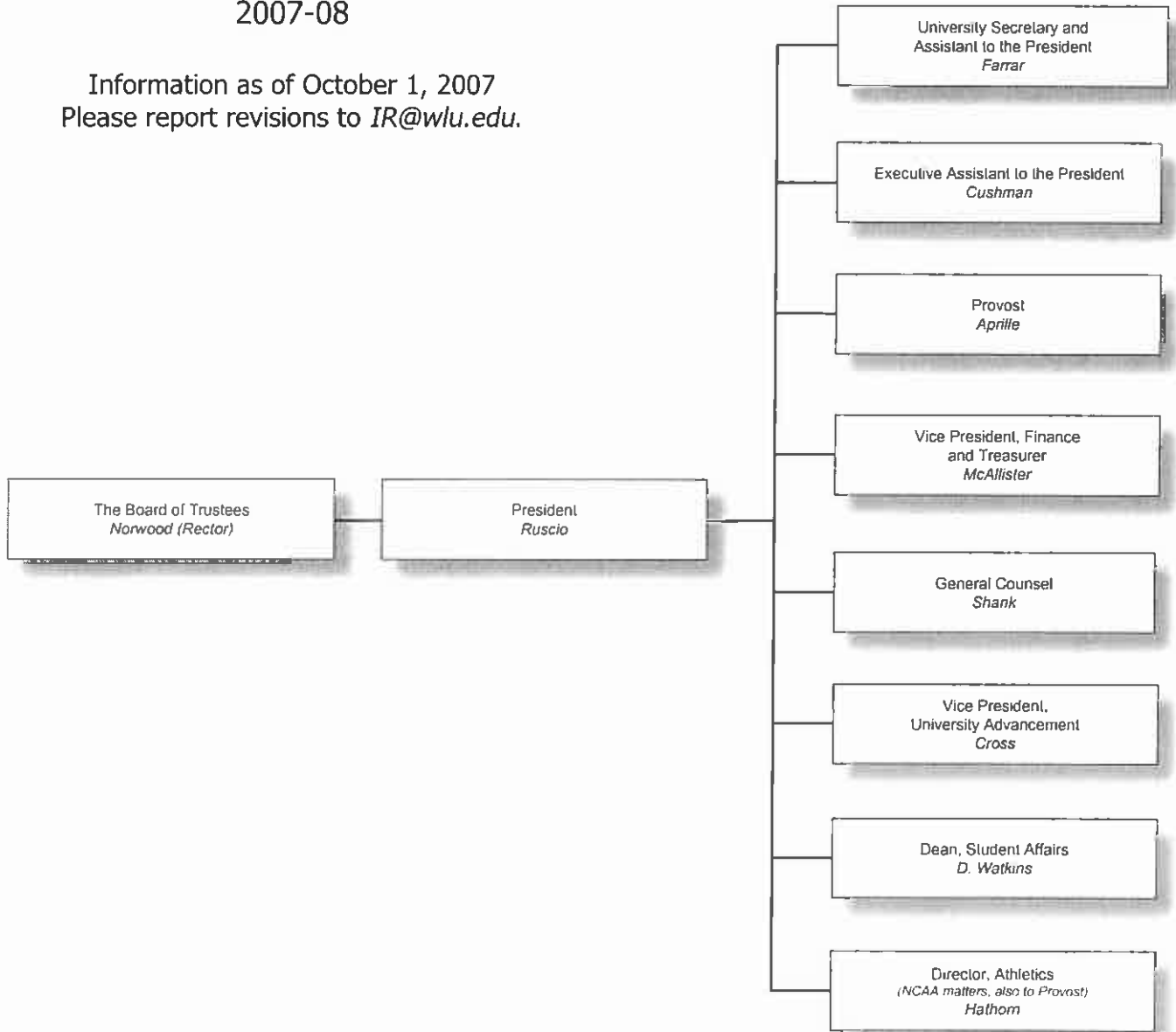
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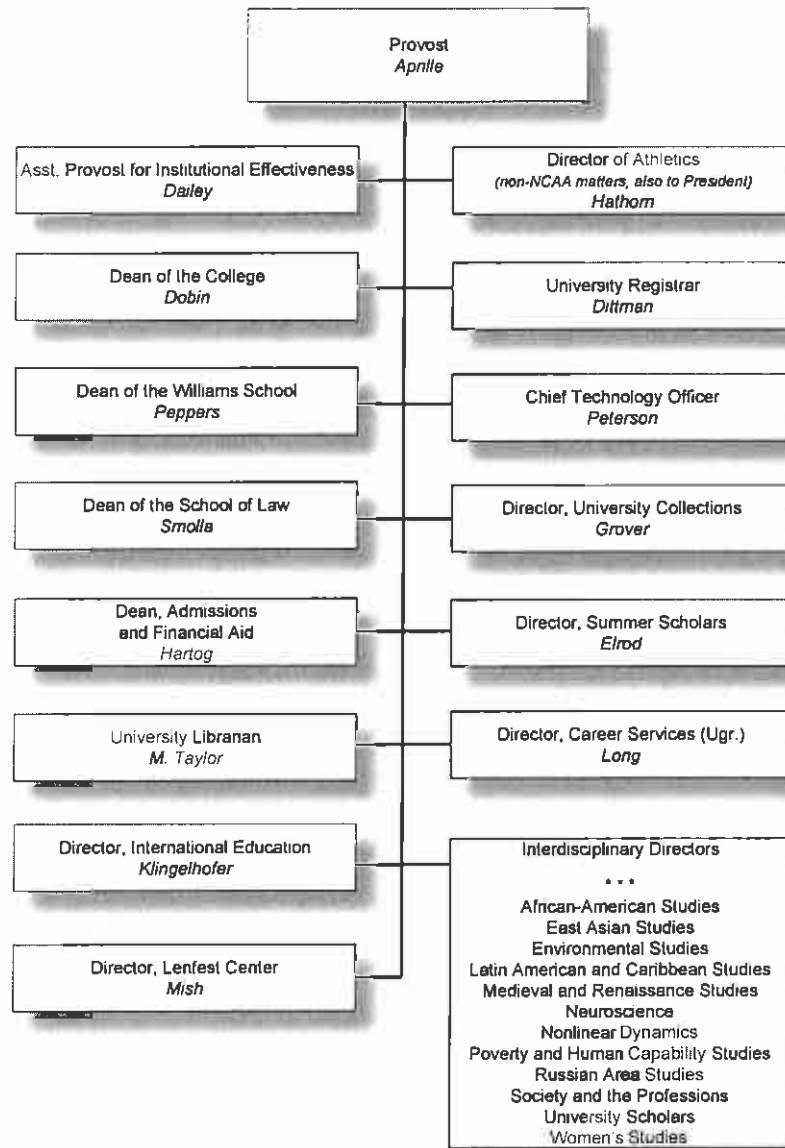
REVISED: February 7, 2009 (Ch. I, paras. 7, 8)

Washington and Lee University
Organizational Chart of
Administrative Responsibility
2007-08

Information as of October 1, 2007
Please report revisions to IR@wlu.edu.

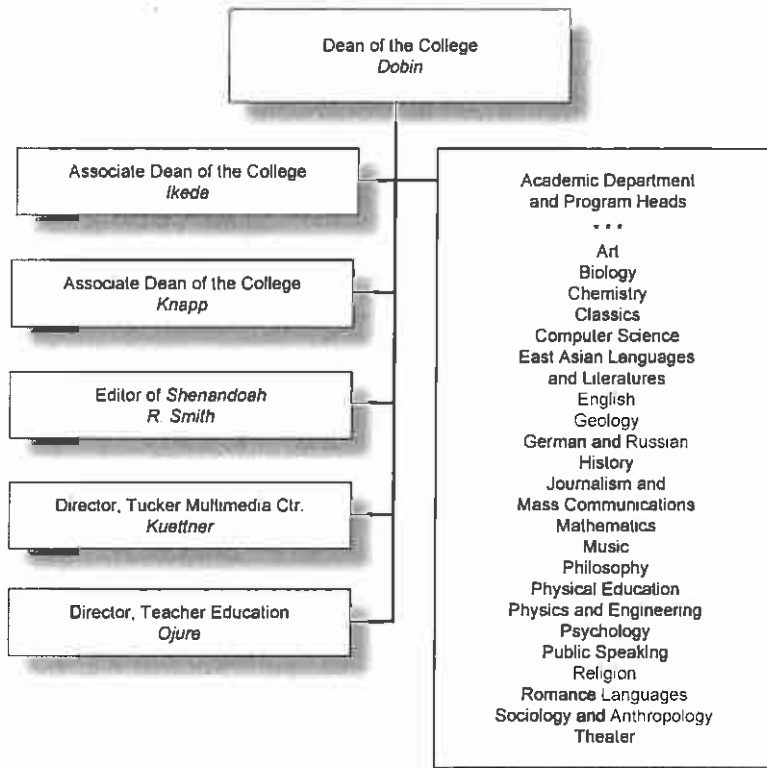


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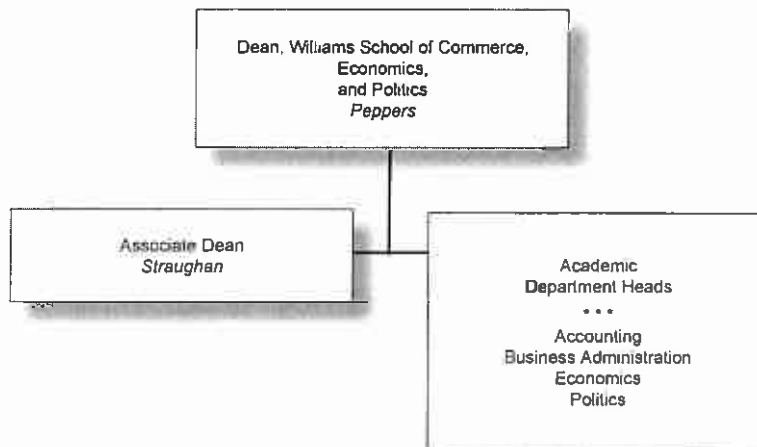


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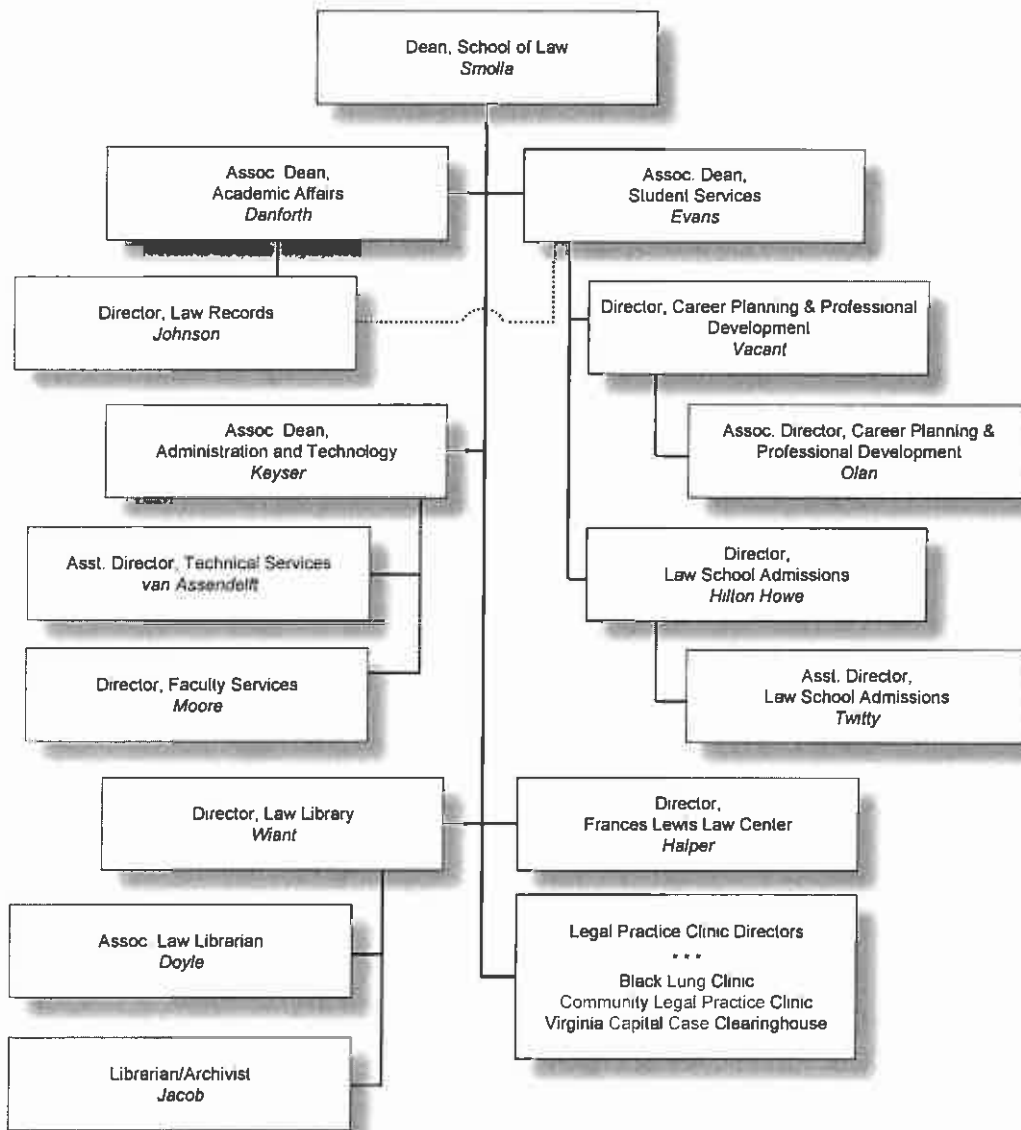
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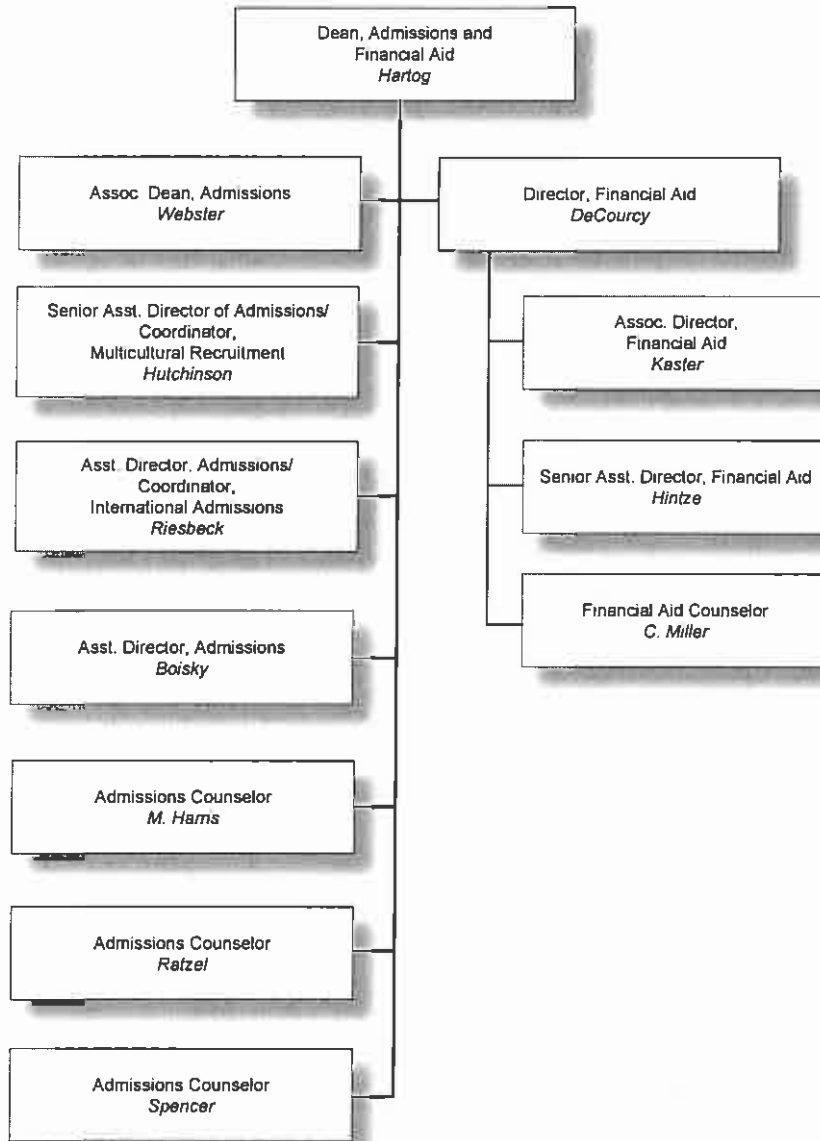
THE WILLIAMS SCHOOL OF COMMERCE, ECONOMICS, AND POLITICS



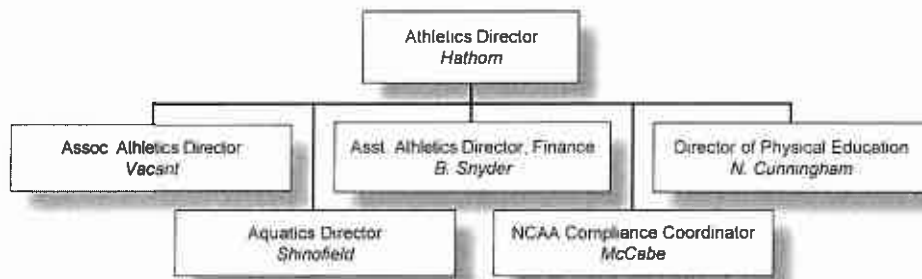
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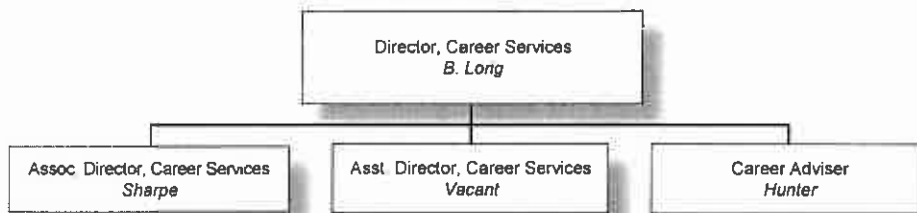
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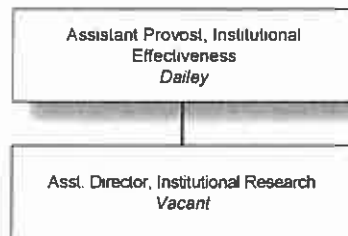
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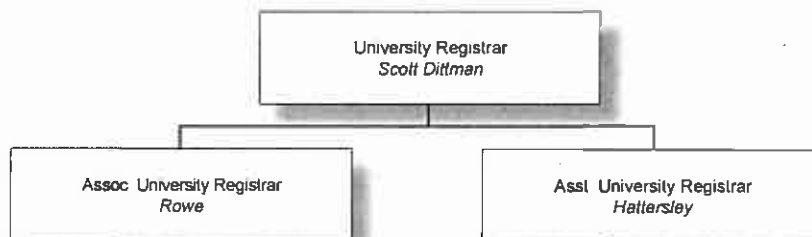
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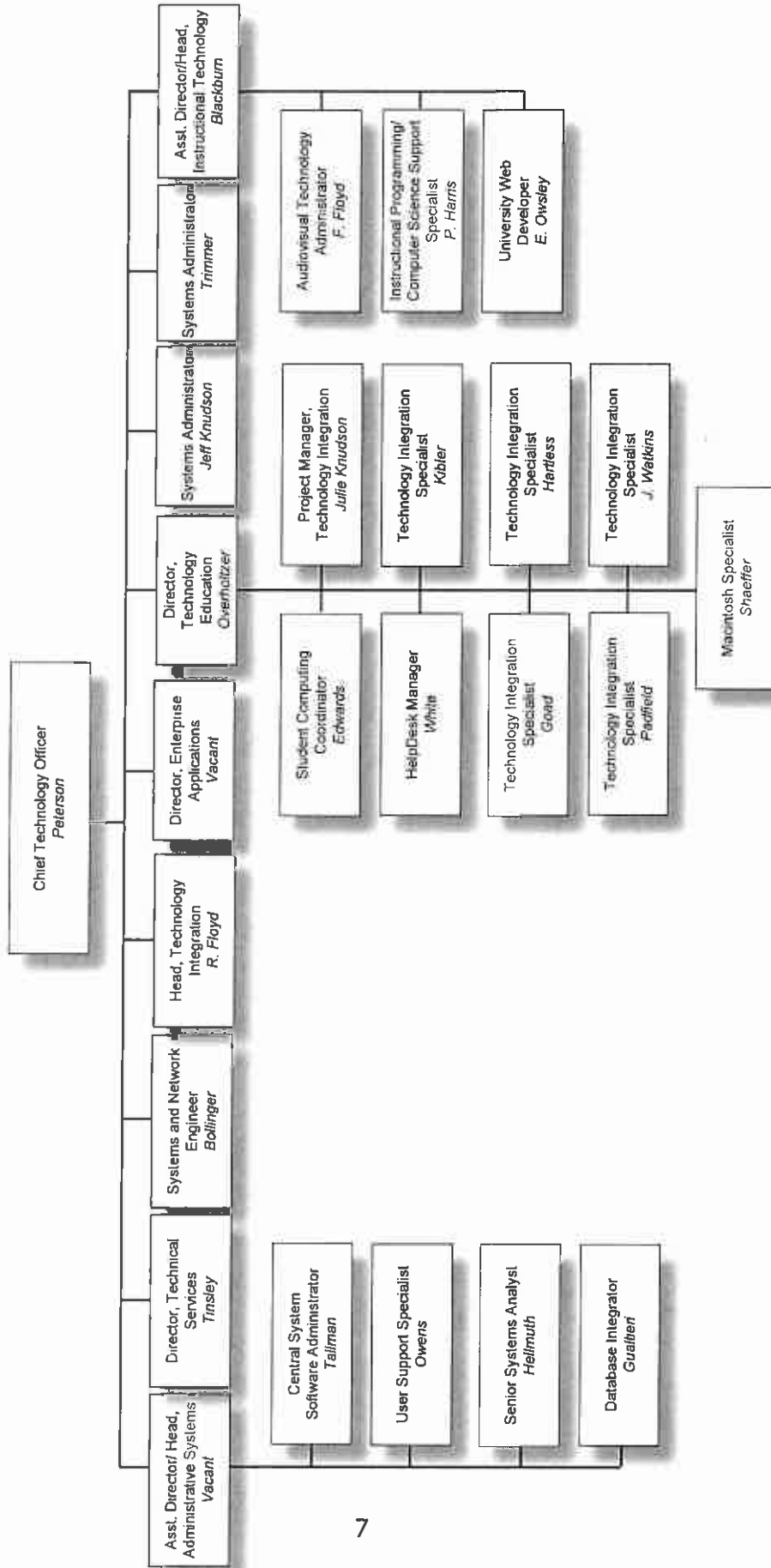
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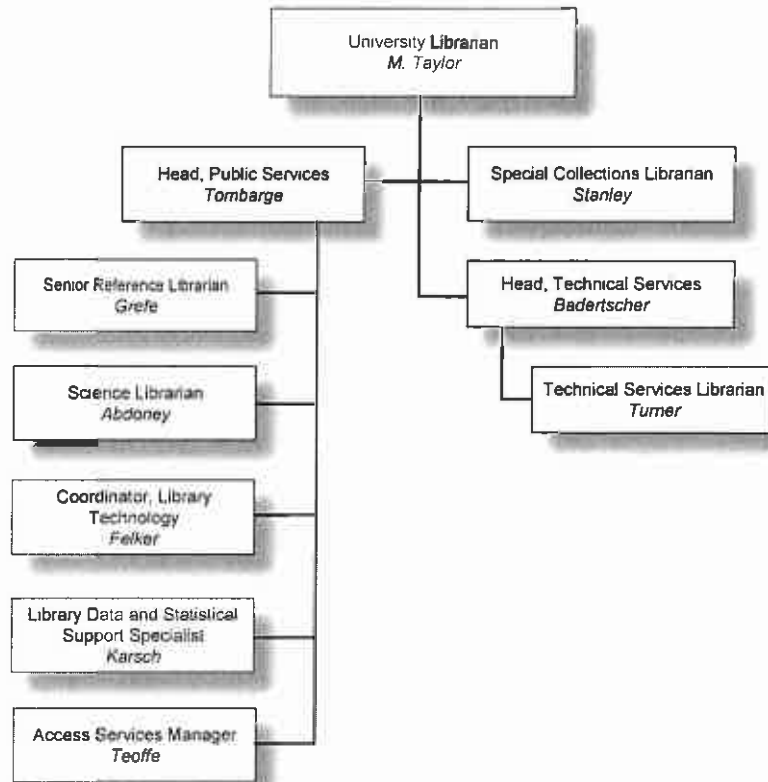
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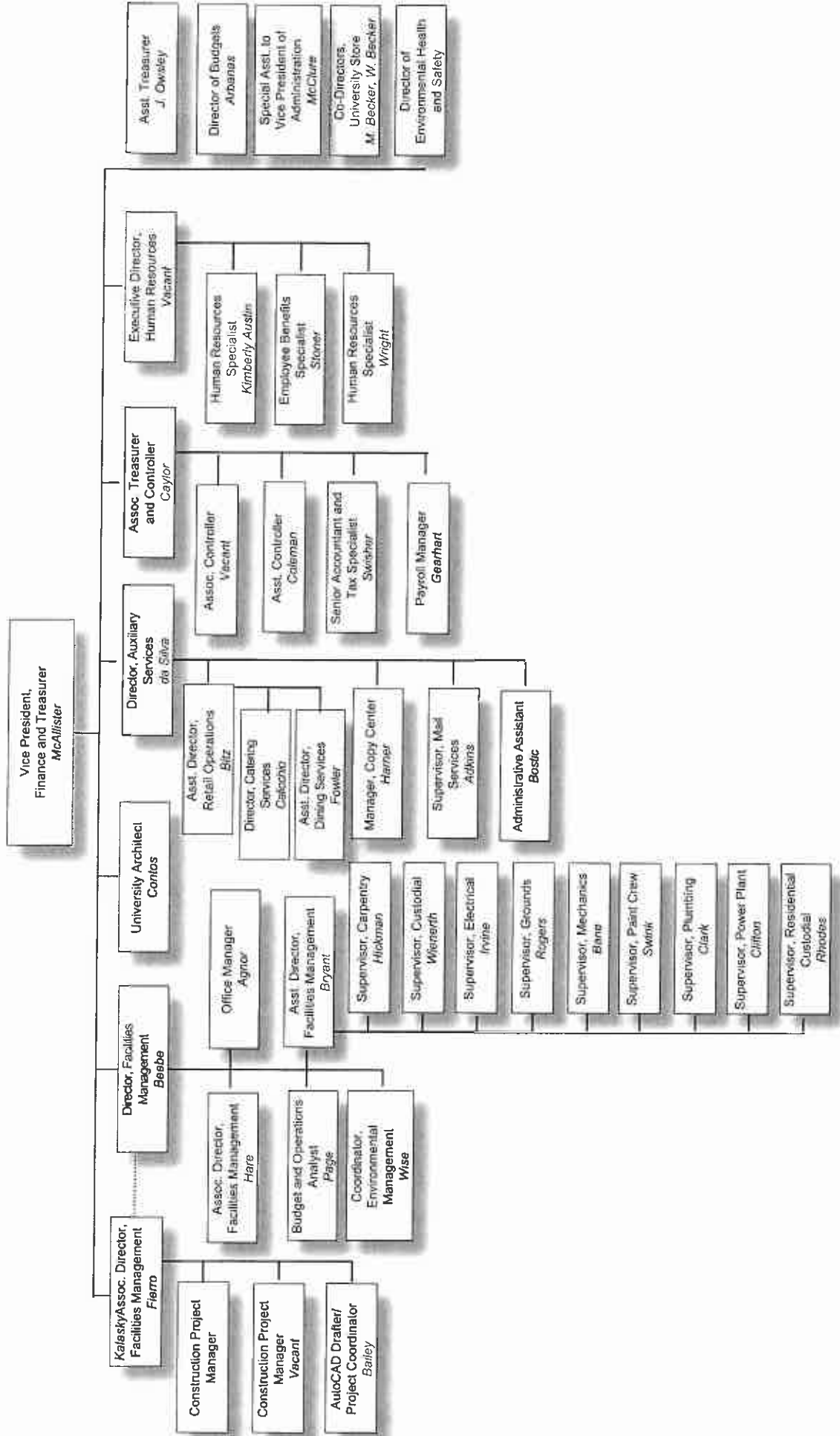
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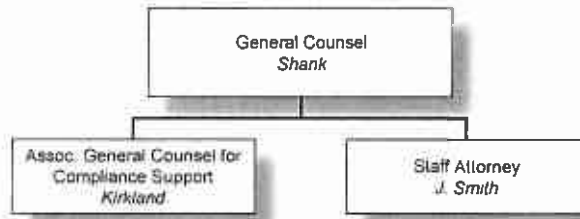
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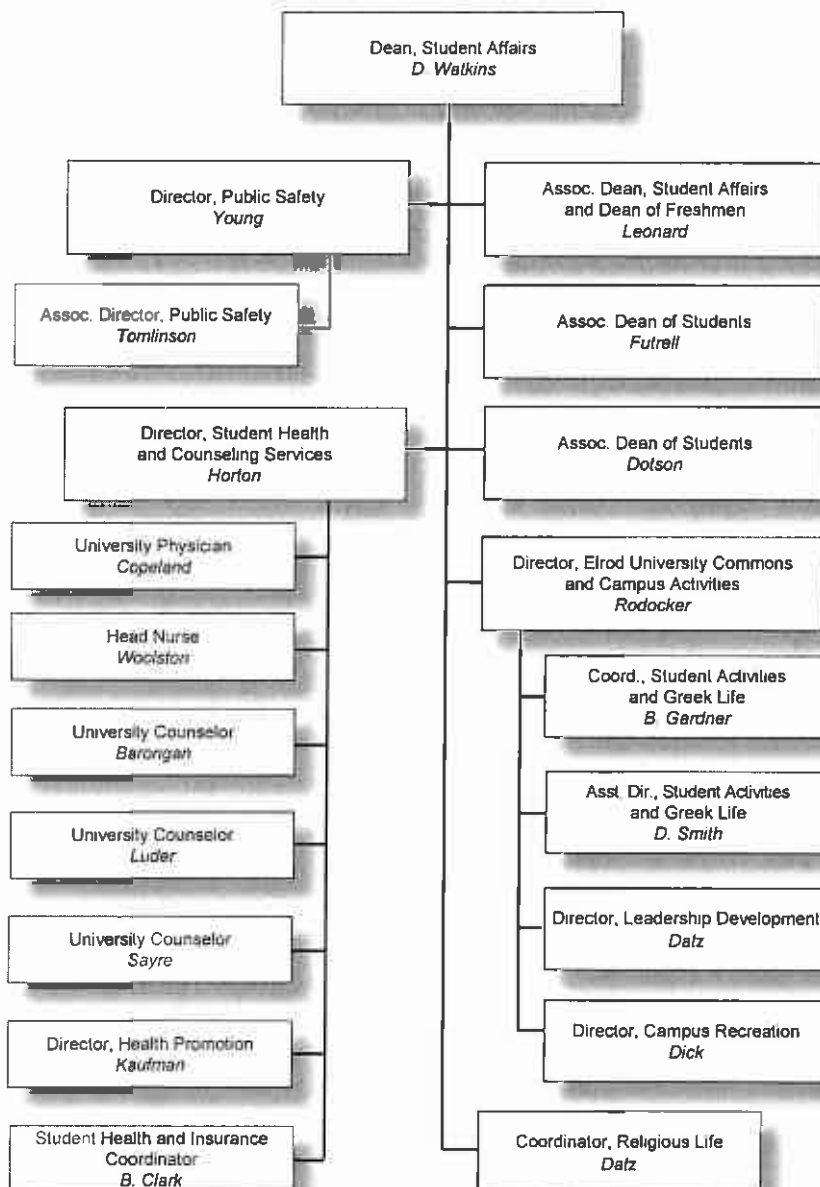
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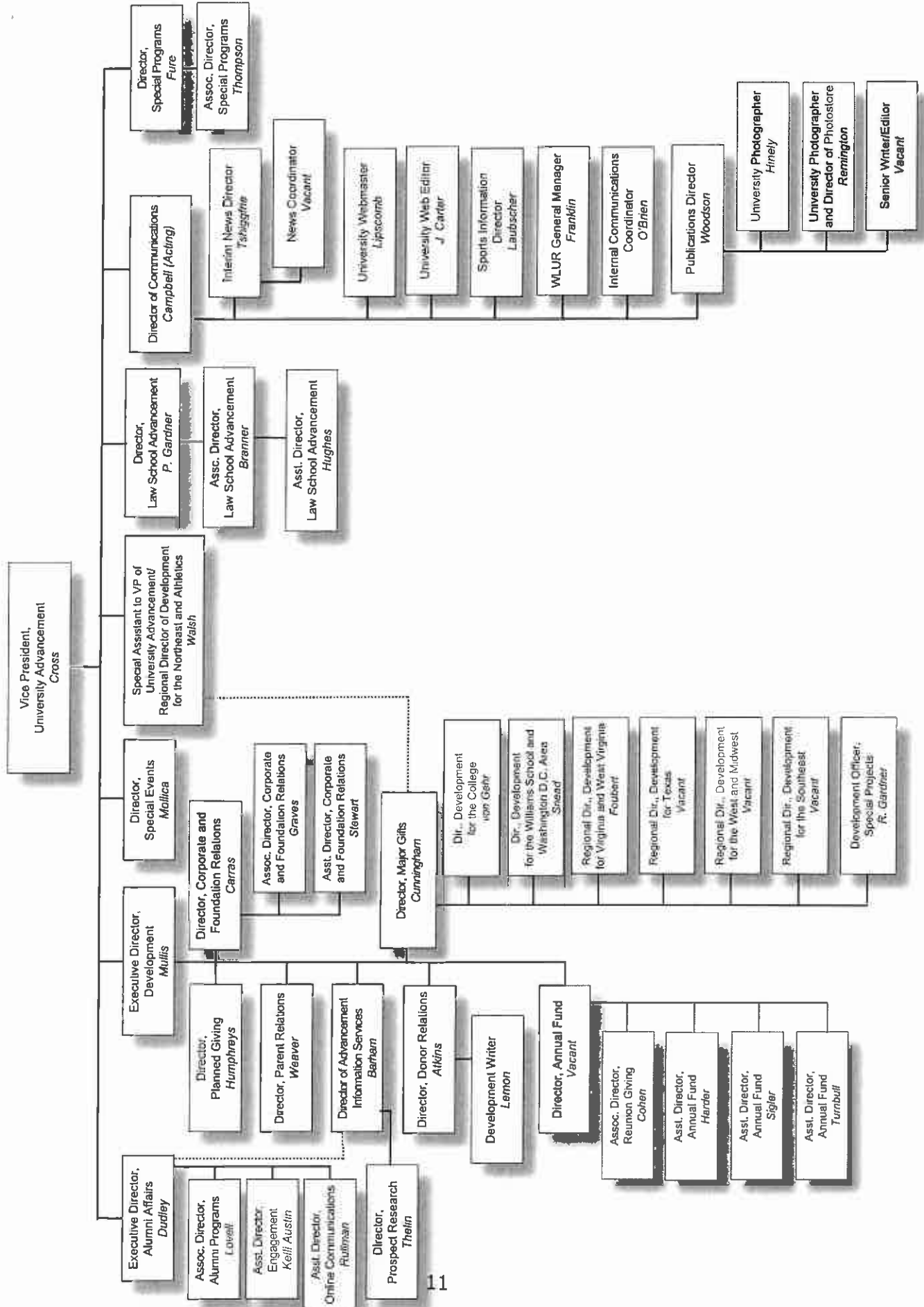
GENERAL COUNSEL



STUDENT AFFAIRS



UNIVERSITY ADVANCEMENT





Washington and Lee University

Establishing University Policies

Approved By: _____ President Kenneth Ruscio _____ and Provost June Aprille	Related Policies: _____
History: Issued – _____ August 14, 2008 Revised – _____ March 1, 2009	Additional References: _____
	Responsible Office: _____ Provost

I. INTRODUCTION

Policy Statement

Washington and Lee University establishes university policies to guide and govern institutional operations and to set standards and expectations across the University. The University seeks to bring consistency to creating and adopting university-wide policies, which will help the University maintain accountability and bring transparency to the process of policy adoption and review. The University also seeks to provide members of the campus community and those doing business with the University a clearer explanation of what governing principles and standards apply University-wide, rather than only to specific departments/schools. The following site: (http://counsel.wlu.edu/*****) provides a central location for most policies that affect the W&L community.

Applicability

This Policy applies to creating, adopting, and amending policies that are intended to apply University-wide or that will impact a substantial portion of the University community.

II. DEFINITIONS

Procedure – a set of detailed rules or specific actions that implement a University Policy.

Related Policies – those policies that are cross-referenced or substantially affected (but not contradicted) by a University policy.

Responsible Office – the University office/department responsible for administering and updating a University policy.

University Policy – formally approved guiding or governing principle(s) regarding the conduct of University affairs. This definition includes policies that apply University-wide or that impact a substantial portion of the university community, not school or department protocols, rules, or guidelines, even if they are labeled “policies.” In the event of a conflict between a University policy and a school or department “policy,” the University policy will prevail.

III. POLICY

A. All University Policies and Procedures

1. **Should be:**

- Formally approved according to the process described in §IV below
- Maintained, regularly reviewed, and updated by the Responsible Office, as necessary
- Accessible to the W&L community and, when necessary, to those doing business with W&L
- Distributed to all affected constituents/departments in a timely manner
- Posted on the Office of General Counsel's central policy location (all other offices should link to that official site rather than posting their own versions of an approved policy)

2. **Standard Format:**

University Policies need not have identical format, but should contain the following standard elements:

- W&L Seal
- Policy Title
- Approval Date and Effective Date (if different)
- Revision Date(s) (if applicable)
- The Name and Title of the individual/entity who approved the policy and therefore can revise the policy
- The Name of the Office responsible for administering and updating the policy

Note: Some existing policies predate this Policy and therefore are not in the standard format. In time, these policies should be reviewed and converted to the standard format.

B. School/Department-Specific Guidelines, Rules, or Protocols

There are department-specific or school-specific "policies" that do not meet the criteria for a University Policy. These should be identified as only pertaining to a certain department or school and the term "policy" should not be used as a label for them; rather, departments and schools should use terms such as "rules," "guidelines," "protocols," or "standard operating procedures." School or department-specific guidance documents should not conflict with University Policies.

IV. POLICY-MAKING PROCESS

A. New Policies

Recommendations for new policies should initially be made (in the format noted above) to the President, Provost, or his/her designee(s) for the appropriate areas: Academic matters to the Provost; Employment/Fiscal/Administrative matters to the Vice President for Finance and Administration/Treasurer; and Student Affairs matters to the Vice President for Student Affairs and Dean of Students.

Once a proposed policy has been reviewed and received approval from the President, Provost, or designee(s), it will either be effective upon the date noted (if administrative approval is appropriate) or sent for approval to the relevant office or entity (e.g., faculty, Board of Trustees).

B. Interim Policies

The Board of Trustees, President, Provost, or his/her designee(s) may establish an Interim Policy where there is a need for a University policy in a time frame too short for completion of the formal process described above. In such a situation, the Interim Policy will remain in force as long as necessary until a formally approved policy becomes effective.

C. Revisions/Amendments

Recommendations for revisions/amendments to existing policies should be made to either: 1) the person/entity who approved the most recent version of the policy; or 2) the Responsible Office for the existing policy. Substantive revisions/amendments should be approved using the same process for adoption of new policies described above. The following minor "clerical" corrections may be made by the Responsible Office without further approval: corrections to reflect the new name of a department or new title of an individual; clarifications of grammar or syntax; and typographical errors.

The date of the most recent revision should be noted at the top of the policy, underneath the policy's original approval date. All substantive revisions and "clerical" revisions to reflect the new name of a department or new title of an individual should be annotated in a separate section at the end of the policy. These annotations should include the date the revision/correction was approved, as well as a brief summary of the nature and location of the changes within the Policy.

D. Notifications

The Responsible Office is responsible for notifying the affected constituents within the University of a new or revised policy. The notification should generally occur through a posting on the Office's webpage, direct email or hardcopy delivery, or some similarly suitable means of dissemination. Notification of a new/revised policy should also be sent to the Office of General Counsel, so that it may be included on a webpage of University Policies.

V. ANNOTATED REVISION HISTORY

3/1/2009 – Revised to add minor, non-substantive clarifications.

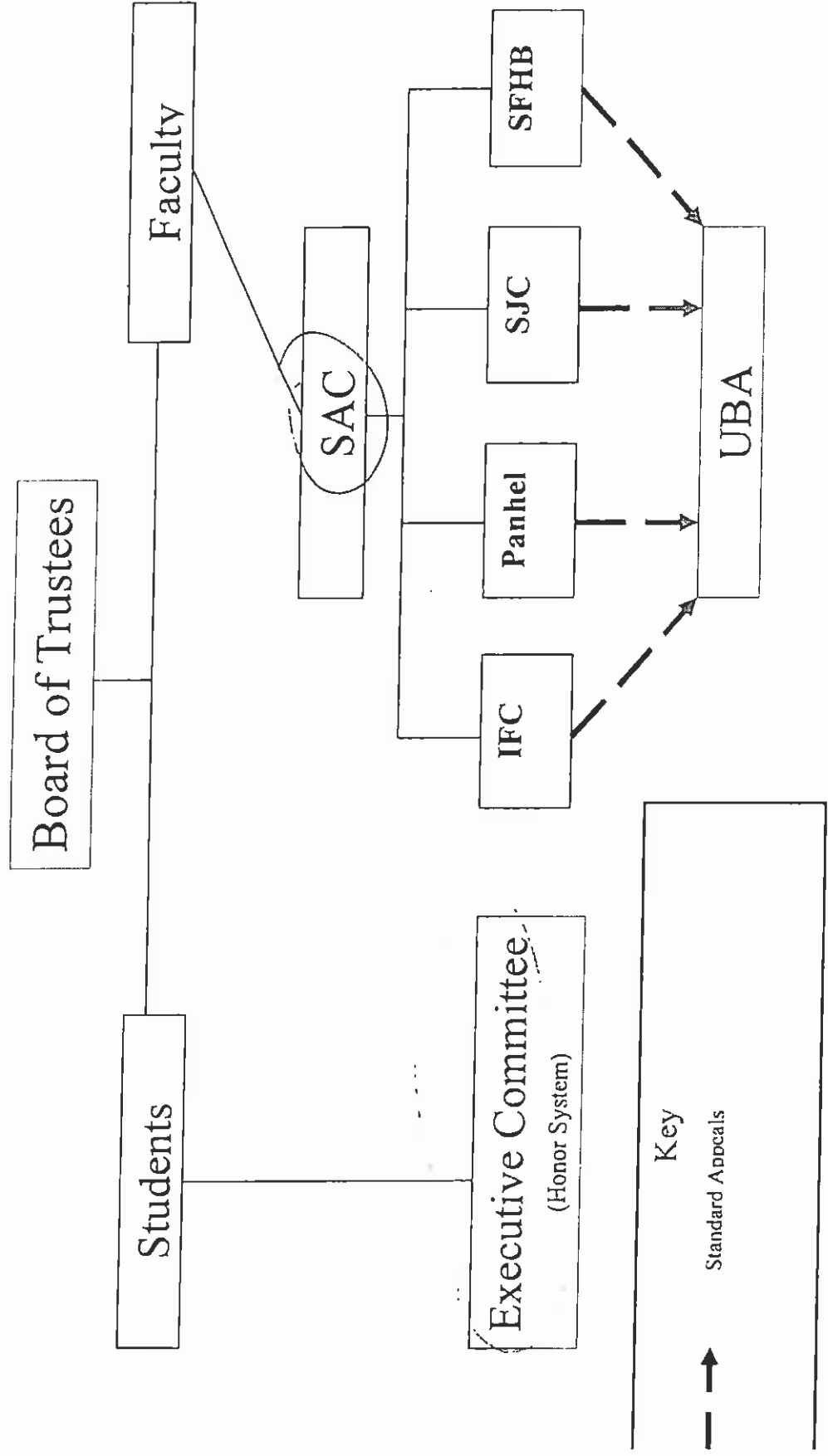
Washington and Lee University

Student Judicial Conduct Bodies

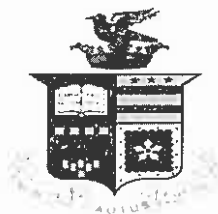
Name Of Organization	Composition	Charge/Authority
<i>Executive Committee of the Student Body (EC)</i>	<p><u>Elected Members:</u></p> <ul style="list-style-type: none"> • President of the Student Body • Vice-President of the Student Body • Secretary of the Student Body • One representative from the 3rd Year Law Class • One representative from the 2nd Year Law Class • One representative from the 1st Year Law Class • Two representatives from the undergraduate Senior Class • Two representatives from the undergraduate Junior Class • Two representatives from the undergraduate Sophomore Class • One representative from the undergraduate Freshman Class 	<ul style="list-style-type: none"> • Manages Honor System (all cases which include a breach of trust such as lying, cheating, or stealing) • Reports to Board of Trustees • Represents Student Body • Works with Student Activities staff to administer allocation of Student Activity fees
<i>Student-Faculty Hearing Board (SFHB)</i>	<p><u>Members:</u></p> <ul style="list-style-type: none"> • Eight Students (appointed by the EC) • Eight Faculty Members (nominated by the EC and appointed by the Provost) 	<ul style="list-style-type: none"> • Prohibited discrimination • Harassment • Retaliation • Sexual misconduct • Hazing by individual students and non-Greek organizations
<i>Interfraternity Council (IFC)</i>	<p><u>Members:</u></p> <ul style="list-style-type: none"> • Representative (one) of each Greek organization (elected) • President (elected) • Senior Justice (elected) • Secretary (elected) • Treasurer (elected) • Junior Justice Representative (elected) 	<ul style="list-style-type: none"> • Hazing by organizations • Retaliation associated with hazing • Violations of University/organization policy by fraternities

<p><i>Panhellenic Council (Panhel)</i></p>	<p><u>Members:</u></p> <ul style="list-style-type: none"> • Representative (one) of each Greek organization (elected) • President (elected) • Vice President (elected) • Recruitment Chair (elected) • Secretary/Treasurer (elected) • Head Recruitment Chair (elected) • Risk Management Chair (elected) • Programming Chair (elected) 	<ul style="list-style-type: none"> • Hazing • Retaliation associated with hazing • Violations of University/organization policy by sororities
<p><i>Student Judicial Council (SJC)</i></p>	<p><u>Members:</u></p> <ul style="list-style-type: none"> • One representative of each undergraduate class • One representative of each law class • One at-large representative of the School of Law • SJC Chair (elected by student body) • SJC Secretary (elected by student body) 	<ul style="list-style-type: none"> • Allegations of alcohol and other types of general student misconduct other than allegations subject to review by the SFHB, EC, IFC, or Panhel

Washington and Lee University Student Conduct Bodies



Complaints come before one of the five student conduct bodies upon referral from the Office of the Dean of Students.



Washington and Lee University

University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation

Approved By: <u>President Ken Ruscio</u>	Related Policies: <u>Consensual Relationships Policy</u>
History: Issued – <u>-----</u>	<u>-----</u>
Revised – <u>August 15, 2009</u>	Additional References: <u>-----</u>
Responsible Offices: <u>Offices of the Provost,</u>	
<u>Treasurer and Student Affairs</u>	

I. INTRODUCTION

Policy Statement

Students, faculty, and staff at Washington and Lee University have the right to be free from prohibited discrimination, harassment, sexual misconduct, and retaliation within the University community. Specifically, the University prohibits discrimination, including harassment, on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, age, disability, veteran's status, and genetic information in its educational programs and activities and with regard to employment. The University also prohibits sexual misconduct offenses described in this policy. Finally, the University prohibits retaliation against any individual who brings a good faith complaint under this policy or is involved in the complaint process. Such conduct violates not only University policy and expectations of personal integrity and respect for others, but may also violate state and federal law. Students, faculty, and staff found to have violated this policy will be disciplined appropriately, up to and including termination from employment or dismissal from the University.

Applicability

This policy applies to all Washington and Lee University students, faculty, staff, and volunteers, as well as all visitors to campus (including vendors, contractors, visiting athletes, alumni, parents and guests of students, etc.).

II. DEFINITIONS

There are no definitions applicable to this policy.

III. POLICY

A. Prohibited Discrimination and Harassment

In addition to other forms of discriminatory conduct based on a listed protected category that would constitute a violation of this policy, unwelcome verbal or physical conduct by or toward a member of the University community on the basis of one or more of the listed protected categories may constitute prohibited harassment, depending on the circumstances of each case. Prohibited harassment can take many forms, such as words, visual images, gestures, or other conduct.

To constitute harassment in violation of this policy there must be a finding that the conduct was: (1) based on one or more of the protected categories mentioned above; (2) unwelcome and offensive; and (3) either severe (in the case of isolated incidents) or repeated and pervasive such that it had the purpose or effect of substantially interfering with an individual's work or academic performance, or of creating an intimidating, hostile or abusive work or educational environment at the University. Harassment may also occur if submission to conduct described in (1) and (2) above is an implicit or explicit term or condition of employment, education, or participation in a campus activity or if submission to or rejection of such conduct is used as the basis for a decision regarding any University operation or program.

In addition, unwelcome sexual advances, requests for sexual favors, or other unwanted verbal or physical conduct of a sexual nature may constitute sexual misconduct, depending upon the circumstances of each case. Forms of sexual misconduct include:

1. Sexual harassment, as prohibited harassment is described above
2. Physical assault with sexual intent
3. Sexual contact without consent -- by means of force, threat, intimidation or victim incapacity
4. Sexual intercourse without consent -- by means of force, threat, intimidation or victim incapacity
5. Attempts to commit the sexual offenses listed above

Sexual misconduct in any form is a violation of this policy. However, if there is a reasonable basis for a finding that any misconduct described in numbered items 2-5 above occurred, that misconduct does not have to satisfy the elements of harassment to constitute a violation of this policy.

W&L strongly urges all members of the campus community to play a part in discouraging, responding to, and preventing the types of misconduct prohibited by this policy. W&L encourages the community to speak up when an incident occurs and to report misconduct. Any individual who feels s/he has been subjected to prohibited conduct under this policy is encouraged to seek assistance and resolution. W&L's complaint procedures provide a variety of ways by which an individual may proceed, so that each person may choose an avenue appropriate to his/her particular situation.

B. Confidentiality

The University will treat inquiries and complaints about prohibited discrimination, harassment, sexual misconduct, or retaliation confidentially to the extent possible, in accordance with the complaint procedures referenced herein. In some circumstances, the University may be required to act on information it has received even if the person providing the information chooses not to pursue a complaint.

C. Retaliation and Malicious Reporting

The University will make every reasonable effort to protect from retaliation individuals who believe themselves to be the object of discrimination, harassment, or sexual misconduct and/or who are involved in a complaint process. Retaliation, whether by an individual, a group of individuals, or an organization, against anyone who makes an inquiry about discrimination, harassment, or sexual misconduct, or who is involved in a complaint process is illegal and constitutes a violation of this policy. The malicious reporting of a false complaint of discrimination, harassment, sexual misconduct, or retaliation is also a violation of this policy. Retaliatory action or malicious reporting will be regarded as a basis for a separate complaint under this policy and the referenced procedures.

D. Relation to Federal Law

Washington and Lee University's policy against prohibited discrimination, harassment, sexual misconduct, and retaliation is consistent with Title IX of the Education Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, and the Genetic Information Non-Discrimination Act of 2008. In addition to contacting the complaint resources specified in the referenced complaint procedures, any person with concerns regarding the University's response to his/her complaint may contact the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, District of Columbia Office, 1100 Pennsylvania Ave., NW, Room 316, P.O. Box 14620, Washington, DC 20044-4620, (202) 786-0500 [students]; or the Washington Field Office of the U.S. Equal Employment Opportunity Commission, 1400 L. Street, NW, Suite 200, Washington, D.C. 20005, (202) 275-7377 [employees].

IV. PROCEDURES FOR COMPLAINTS OF VIOLATIONS OF THIS POLICY

A. Complaints Against Students: Procedures for bringing complaints against students are located at <http://counsel.wlu.edu/policy/Complaints.Against.Students.pdf>.

B. Complaints Against Faculty, Staff, and Other Non-Students: Procedures for bringing complaints against non-students are located at <http://counsel.wlu.edu/policy/Complaints.Against.NonStudents.pdf>.

V. ANNOTATED POLICY REVISION HISTORY

Revised 8/15/2009 in accordance with recommendations from the Designated Officer and Grievance Procedure Working Group, resulting in consolidation of two prior non-discrimination policies (one covering students and one covering non-students).

**Washington and Lee University
Committee on Courses and Degrees
Undergraduate Course, Major or Program Change Form**

October 2006

In order to be reflected in the next printed catalog, proposals should be submitted electronically by October 1 for consideration prior to the November faculty meeting.

Please submit the proposal as an e-mail attachment to CD@wlu.edu.

No curricular changes should be proposed unless all affected faculty members have been consulted.

Non-substantive changes of an editorial nature, those involving changes in titles, course numbers without level change, or catalog descriptions, may be submitted directly to the University Registrar, registrar@wlu.edu.

- 1. List department(s) and program(s) in which change is being proposed or which are affected by the proposal:**

List name(s) indicating respective approvals of appropriate department head(s), program committee head(s), and/or other faculty members affected by the change:

- 2. Nature of change. Check all that apply and attach separate rationale(s) for proposed change(s). Also attach *Major or Proposal Guidelines*, if appropriate.**

- a. Add a new course: (*attach a syllabus and complete Item 3, a-i*)**

Proposed course subject (e.g. ACCT) _____ Proposed course number _____ Proposed credit _____

Proposed course title _____

Proposed catalog description:

- b. Drop a course**

Course subject (e.g. ACCT) _____ Course number _____ Credit _____

Course title _____

Describe required change(s) in catalog copy, with current page numbers.

- c. Add or Modify major/program requirement(s) (*Complete Major or Program Proposal Guidelines* from registrar.wlu.edu/forms/proposal-guidelines.doc.)**

d. ___ Substantive changes to an existing course: (attach a syllabus, if appropriate, and complete Item 3, a-i)

Course subject (e.g. ACCT) _____ Course number _____ Credit _____

Course title _____

- Change course number to reflect change in level of complexity - To _____
- Change credit(s): From ___ credits To ___ credits
- Substantive revision to course content and description
- Change General Education designation from GE area _____ to area _____
- Change cross-listing (same course number) or cross reference (different number) with _____ discipline
- Other (describe): _____

3. For New or Revised courses (complete this section and Items 1 and 2, above):

a. Course subject (e.g. ACCT) _____ Course number _____ Credit _____ (consult with University Registrar)

b. Course title _____

c. Course prerequisite(s) _____

d. Course instructor(s) _____

e. Term(s) offered: Fall _____ Winter _____ Spring _____

on an annual _____, biennial _____, or other basis (please explain _____)

beginning (term & year) _____

f. Required for major/program? Yes _____ No _____ Which major/program? _____

May be used as an elective for major/program? Yes _____ No _____

Which major/program? _____

g. Cross-listed / cross-referenced with the following course/department/program:

h. Does this course count toward GE or FDR requirements? Yes _____ No _____

If yes, which area? _____ (e.g. FDR HU, FDR SS, GE4 in religion, GE5c., etc.)

Explain briefly how this course will meet the FDR and/or GE goals for this category.

i. Please provide the following separately:

- (1) a catalog-type restatement of the major/program requirements showing this course's place in the curriculum;
- (2) an explanation of the proposed course's impact on departmental teaching assignments; and
- (3) information on availability of and need for equipment and library resources required for the course.