



InSight

WITH **DR. GLORIA C. DUFFY**
President & CEO, The Commonwealth Club

Colleges in the Real World

On college campuses across the United States, controversies are brewing about sexual assault and harassment. At Amherst, the University of North Carolina, and most recently at Swarthmore and my alma mater Occidental College, students and former students are alleging that college administrators are not proactive enough in discouraging, investigating or punishing those who commit sexual abuse. Students and their faculty supporters at these institutions are filing lawsuits and federal actions with the Office of Civil Rights at the Department of Education, under Title IX of the U.S. Education Act of 1972. Title IX guarantees freedom from discrimination and harassment, in any arena, as well as the sports realm for which it is best known.

The recent sexual misconduct cases on campuses run the gamut from the gross kind of abuse revealed at Penn State University in the Jerry Sandusky case to date rape and unauthorized filming and distribution of sexual activities online or through texting. At the core of the controversy is the responsibility of colleges to prevent and handle sexual misconduct cases.

Title IX requires colleges themselves to handle complaints of sexual misconduct, if a victim prefers to go that route rather than to the police or other outside authorities. In 2011, a “Dear Colleague” letter from the Department of Education detailed and strengthened the responsibilities of college administrations to investigate complaints and undertake sanctions for those found to have engaged in sexual abuse.

Many colleges have Title IX administrators, special deans or other staff, “honor courts” or similar internal mechanisms to investigate and adjudicate cases of sexual abuse. Students, usually women, often decide to go through this internal campus process because they do not want the public record, stress, cost or embarrassment they expect if they were to go through outside law enforcement and the court system.

The current accusations of mishandling by colleges often center on how the internal processes have dealt with reported cases. Unfortunately, even when colleges train their personnel and hire specialists to handle sexual abuse cases, an “honor court” or other internal methods of handling sexual abuse complaints are inadequate ways of addressing what may be criminal activity. College personnel – administrators, faculty, students – responsible for dealing with sexual misconduct are not professionals, and are subject to multiple, cross-cutting pressures from colleagues, donors, alumni, students, the faculty and other

constituencies that may inappropriately influence the outcomes.

For example, students who have allegedly been victims of sexual assault point out that the students accused of committing such acts may be the children of donors to the college, and the administration may be hesitant to act against them. Or if the alleged perpetrators are not subject to the outside legal process where they have been found guilty of a crime, their parents may threaten to sue the college if they are expelled or sanctioned simply on the basis of an intra-college, non-criminal process. This may tie the hands of the administrators in taking action against the alleged abuser.

It seems mistaken for the Department of Education to assign colleges so much responsibility for dealing with an issue that is such a challenge for them to handle. Assigning this responsibility to colleges seems dated, harkening back to the time when colleges truly acted “in loco parentis” for their students; that is, in the place of their parents.

Colleges today are part of society, not removed from the social and legal environment. Rape and other violent sexual behavior are crimes. Our society has endeavored to put in place a system for handling sexual crimes in a responsible manner, including police and medical approaches to interviewing victims and taking evidence, social systems providing support and counseling to victims and other measures. Rather than encouraging colleges to handle these cases on their own, it seems as though the Department of Education should be urging colleges to refer cases of suspected sexual abuse to the police and other authorities. Victims should go to a hospital or the police, not to their campus officials.

At a minimum, colleges need to draw on recognized expertise in handling suspected sexual crimes. Outsourcing the adjudication process to some kind of organization professionally equipped to handle it might be a good alternative.

Finally, many of the instances of reported sexual abuse involve alcohol. Frequently the perpetrators have been drinking; or the victims have been drinking, and often both. It would be helpful if students took more personal responsibility for their own safety. Recognition of the role of alcohol and avoiding it would be helpful in preventing sexual abuse. Students need to recognize that drinking before the legal age of twenty-one is not only bad for their brains and bodies, but makes them vulnerable to sexual misconduct. A good rule of thumb for students is not to drink until they are out of college, and to stay away from people or locations where there is heavy drinking. 🍷