

## **W&L Advocate Coalition Report Appendix**

### **Sexual Assault & Gender Inequalities**

We are heartened by the changes W&L has instituted in the past decade with respect to sexual assault and gender inequalities on campus. But we still have progress to make, as our research has shown.

### **Sexual Assault & Title IX Calls to Action**

#### **1. Apply the single-sanction Honor System penalty to Harassment and Sexual Misconduct Board (HSMB) cases.**

The University lists a number of sanctions for students found to be responsible for sexual misconduct, but sexual violations and rape are not considered Honor Violations and therefore not covered by W&L's single-sanction system. Consequently, the W&L community appears to assert that it is more dishonorable to use a fake ID or cheat on a test than it is to violently assault a fellow student. This attitude not only disproportionately diminishes the experiences of female and LGBTQ+ students, who are more likely to be victims of sexual crimes, but it also degrades the Honor System by compartmentalizing parts of campus culture where it does not apply. In suggesting this change, we understand that the Executive Committee is not the place to investigate and charge these sensitive, confidential cases; however, we request that sexual assault count as "cheating and stealing" the safety of a fellow student, and therefore, that this act be subject to the single-sanction policy of the Honor System.

#### **2. Make W&L's data on sexual misconduct more accessible, complete, and transparent.**

- Participate in [the campus climate survey](#) administered by the Association of American Universities (AAU), which will allow W&L students and potential students to compare its statistics to 33 other universities, including Boston, Brown, Columbia, Cornell, Duke, Emory, Harvard, Princeton, Purdue, Rice, and Tulane.
- [Adhere to Department of Justice guidelines](#) for surveys. Their contents, methodologies, and analyses should be reviewed and reported on by a third party.
- Make results from such surveys publicly accessible. In compiling this report, for example, we were not able to find out how many survivors were denied accommodations that they requested, and how long, on average, cases remained open. Sharing this information is not a violation of FERPA; indeed, the Department of Education has previously required institutions in violation of Title IX to publish exactly these statistics.
- Reform data collection for increased attention to location. This change would make the data more useful for highlighting "hotspots" and thus for improving the safety of students. Currently, the reporting system breaks down all "forcible sexual offenses" into three categories: On-Campus Residential, Non-Campus, and Public Property. Notably, in 2018, all incidents were reported as "On-Campus Residential," indicating a need for further breakdown of this category. For example, did the assault occur in a first-year dorm, upperclass housing, or fraternity/sorority housing? Similarly, "Non-Campus" should be broken down into Off-Campus Student Housing and other neighborhood categories that can inform the Lexington community of areas that need extra attention.

### **3. Remove Title IX from the jurisdiction of Student Affairs and equip the Title IX office with more staff and resources.**

- Housing Title IX under Student Affairs is unusual, and this organizational structure could lead to conflicts of interest, such as the manipulation of numbers to fit Student Affairs' goals. Peer institutions typically house Title IX oversight in the offices of the Provost, President, or General Counsel.
- The Title IX office and reporting system should be given the human and financial resources and support it needs in order to give campus survivors all the resources and support they need. We suspect that the one staff member in the Title IX office is overwhelmed by a large and emotionally taxing workload. Sharing the workload in this office would improve timeliness in responding to cases. We suggest adding one additional staff member as well as five coordinators across faculty and staff departments. Two of these should be people of color. We base these recommendations after observing Duke University, which experienced speedier case resolution times by hiring additional staff members and coordinators.<sup>1</sup> Faster action here benefits everyone involved in a case, both victim and perpetrator. Hire at least one paid staff member who is dedicated to prevention of sexual crimes.
- List on the website the names and contact information of all Title IX coordinators and other people involved.
- Use trained, student peer advocates as a supplement to professional staff, not as a replacement. Compensate them for their time and labor.

### **4. Reform and enhance consent education.**

W&L's education should not stop at bystander intervention, but add to it affirmative consent education. Research shows that bystander intervention is the first step toward protecting students. It addresses an acute problem in a timely manner, but it leaves the chronic problem intact. Bystander intervention is no substitute for ongoing consent education, reforming a culture that allows and encourages harmful behavior, instituting consequences for violations, and supporting survivors.

- Require Enhanced Access Acknowledge Act (EAAA) training. EAAA is a 12-hour, small-group educational program designed to help college women resist sexual assault specifically from acquaintances, as well as be empowered to ask for what they want. Rigorous testing shows that it reduces victimization for at least two years. We recommend this EAAA training for female-identifying students in addition to required consent training.
- Require fraternities and men's athletic programs to undergo male-targeted sexual assault awareness and prevention programs annually.
- Repeat consent education and training at the beginning of each year for **all** students. It should be ongoing, in-depth, and in-person unless prevented by COVID-19 safety measures. Limiting this training to first-year orientation diminishes its significance and

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<sup>1</sup> Katherine Mangan, "48% of Female Undergrads at Duke Say They Were Sexually Assaulted While Enrolled, Up Sharply from 2016." *The Chronicle of Higher Education*, 22 February 2019. <https://www.chronicle.com/article/48-of-female-undergrads-at-duke-say-they-were-sexually-assaulted-while-enrolled-up-sharply-from-2016/>

leads to lapses among upperclass students as the first-year experience fades from memory.

- This consent education should include an honest discussion of the power dynamics at W&L and their link to sexual violence. We suggest this portion be facilitated by teams of trained senior students that include a diverse coalition of students: male, female, and non-binary (if possible), as well as students of color. The coalition should include members and non-members of fraternities and sororities.
- Form a group of W&L stakeholders to research and institute Sexual Respect resources with concrete goals and a due date
  - Consider putting this under the purview of Healthy Sexual Culture Committee (HSCC), which is comprised of administrators, coaches, and student leaders.
  - Provide resources targeted toward preventing sexual assault--not just resources for use by victims *after* an assault occurs.<sup>2</sup>

### **5. Increase and make transparent the experience level of staff involved in sexual misconduct reporting.**

- Investigators should have years of specialized training. W&L should publicly provide information about who is in the pool of potential investigators and what training they have undertaken.
- Provide in-depth and ongoing trauma-informed training to coaches, Greek house mothers, resident and community advisors, fraternity and sorority leaders, peer counselors, and Student Reporting Advisors.
- Require such trauma-informed training for Student Health Center staff, so they can better assist students who have experienced sexual assault.
- Publish what type of training is provided to these staff members and students in the Title IX staff section of the website, how long it lasts, and how often it happens.

### **6. Reform reporting options and the reporting process.**

W&L currently has limited options for reporting: completely confidential or mandatory (non-confidential) reporting. This system dissuades many students from reporting. The following options for victims should be explored:

- Escrow: A student can choose to report misconduct but have it kept confidential unless someone else reports the same perpetrator. This system would allow for accountability in the case of repeat offenders, while protecting the victim's privacy. It also solves a related issue that weighs heavily on many students: that when they might choose, for their own personal reasons, to not report or pursue charges against an individual, they fear that this decision means that other students might fall victim to the perpetrator's actions in the future.
- Add in a third class of employees when it comes to confidentiality: Health Center staff, Resident Advisors, and other Student Reporting Advisors. These staff members would therefore be required to report any perpetrators they become aware of, but they could do so using non-identifying information. This system would adhere to the Clery Act

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<sup>2</sup> See, for example, the exemplary model of Amherst College's "Sexual Respect Task Force." [https://www.amherst.edu/campuslife/health-safety-wellness/sexual-respect/committees/task\\_force](https://www.amherst.edu/campuslife/health-safety-wellness/sexual-respect/committees/task_force)

requirements while protecting the student coming to them to report the violence, who may not--on our small campus--want the identity of themselves or an alleged perpetrator to be made known. . Making this small change would balance the need for school officials and students to be aware of hostile environments while providing a safer environment for students to report.

- Implement anonymous reporting through the LiveSafe app, which W&L students use as a resource to contact public safety and receive health and safety notices.
- Provide an anonymous, always-available Title IX feedback form on the W&L website that goes directly to the President, Provost, or General Counsel (future overseer of Title IX) to provide feedback. The current system only gathers this information via internal surveys. Providing an anonymous, web-based form would increase checks and balances, improve the quality and quantity of information collected, and provide insights from the complainants'/respondents' points of view.
- Adopt a Restorative Justice framework. This process brings together the victim, the perpetrator, and other supporters and community members for a structured and professionally facilitated meeting. The victim describes the harm caused by the perpetrator, and the participants create a formal plan to repair the harm. When the respondent admits responsibility and the victim expresses a desire to repair harm, no panel is needed. The accused does not have to agree to the word "rape" but does have to accept responsibility for having caused harm. Restorative justice is not mediation nor conflict resolution. All participants enter into the meeting having acknowledged their roles. Research shows that victims who participate in the process of restorative justice and speak face-to-face with their perpetrators feel they have reclaimed their power, with up to 90% of participants reporting the program successful.<sup>3</sup>

#### **7. Reform the Harassment and Sexual Misconduct Board (HSMB).**

- It is currently unclear who the members of the [Harassment and Sexual Misconduct Board](#) are, how they are chosen, or how they are trained. This information should be public and current.
- Ensure that the Board includes an equal number of male and female members.
- Ensure that the Board includes people of color.
- Ensure that members of the Board receive ongoing training from a reputable, external organization in excess of 15 hours a year.
- Require that potential Hearing Advisors undergo an interview/screening with a staff clinical psychologist to confirm that they are an appropriate choice for the role. Janet Boller has been specifically requested by current students to serve in this screening role.
- Clarify the role of its review panel for sexual assault cases. We are concerned that the review panel as it currently stands effectively walks back sanctions for most, if not all, students found guilty of sexual misconduct.
  - UVA has reformed its sexual assault investigation process to reduce the role of the review panel. Cases now only proceed to the review panel if either student disputes the conclusion of the investigators. The review panel continues to rely on

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<sup>3</sup> Mary P. Koss and Kate Chisholm, "The Time is Now: Restorative Justice for Sexual Misconduct." *The Chronicle of Higher Education*, 16 February 2020. <https://www.chronicle.com/article/the-time-is-now-restorative-justice-for-sexual-misconduct/>

the work of the investigators. If neither student challenges the conclusion of the investigators, the review panel only decides on sanctions.<sup>4</sup> We suggest W&L also make this change.

- Change the photo currently on the [Harassment and Sexual Misconduct Board page](#), which inaccurately portrays a meeting involving five white men on stage in a packed Lee Chapel. This is a terrifying image to students considering reporting an assault who would like to keep the process private.

## **8. Reform the Sexual Misconduct hearings and proceedings with the needs of victims in mind.**

For example, students should be offered as a matter of course to participate via video or otherwise be guaranteed they won't be in the same room as each other. Students should also be made aware that they can have a statement read by a case manager in lieu of participating in the hearing themselves. These measures would encourage more students to report, and would minimize the re-traumatization of students forced to be in the same room as their assaulter.

- Clearly state that victims are not prohibited from talking about their complaint with others, especially those who can provide emotional support or who may be at risk of assault by the perpetrator.
- Provide students with a Sexual Assault Victim's Advocate (SAVA), or a Case Manager, who helps them through the process.<sup>5</sup> This person should be different for the victim and perpetrator.
- The Registrar could ensure that complainants and respondents do not end up in the same classes through manually issuing overrides. This reform could be simple to implement but is currently not a reality (as far as we know).

## **9. Provide consequences for sexual misconduct from professors.**

It has become clear that there are several professors who have been reported by multiple students for sexual misconduct, and yet they are still employed with no obvious sanctions for their behavior.

- Follow the lead of the University of Texas at Austin<sup>6</sup> and make firing the "presumptive punishment" for faculty and staff members who commit sexual assault, sexual harassment, stalking, or interpersonal violence.
- If there are employees who are found to have violated W&L's policy but keep their jobs, W&L should publicly report who they are and the mitigating circumstances that led to them retaining their position.

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<sup>4</sup> Sarah Brown, "Making Sexual Assault Hearings Fair." *The Chronicle of Higher Education*, 21 January 2018. <https://www.chronicle.com/article/making-sexual-assault-hearings-fair/>

<sup>5</sup> See, for example, the excellent model at Bates College, a WLU peer institution: "Here to Help: Title IX, Sexual Respect, Civil Rights Compliance." <https://www.bates.edu/sexual-respect/the-sexual-assault-victim-advocate-sava/#how-she-can-help>

<sup>6</sup> Katherine Mangan, "At this Texas Campus, Sexual Harassers Can Now Expect to be Fired," *The Chronicle of Higher Education*, 2 March 2020. <https://www.chronicle.com/article/at-this-texas-campus-sexual-harassers-can-now-expect-to-be-fired/>

## 10. Provide clear resources and definitions in website materials.

- Clearly define “retaliation” and its consequences. W&L does not currently do so. Fear of exclusion and social retaliation prevents many students from reporting sexual violence. Retaliation should include acts such as being blacklisted or barred from entering fraternity events, whether at the fraternity of the perpetrator or at other fraternities, and cyberbullying on social media or group chats. Consequences for this behavior should also be clearly articulated.
- Provide stalking/cyberstalking information and resources.
  - Explore evidence-based programs for helping and protecting students. Ensure students are informed about these resources during orientation and feel confident in knowing who to turn to for help.
  - Provide comprehensive, relevant examples of cyberbullying (including revenge porn) and how students can deal with these situations.
- Link to the [Silent Witness reporting form](#)<sup>7</sup> on the sexual misconduct webpage. This form allows bystanders to report an incident that they witnessed. It is currently only listed on the Interfraternity Council (IFC) page for hazing, and there is no option to access it when looking for sexual harassment and assault resources.
- Rewrite W&L’s [Virginia Laws page](#).<sup>8</sup> Instead of copy-pasted statutes, legal options should be accessible, understandable, and include what they mean in practice for victims. Provide case studies and examples.
- Add a “quick exit” link on the W&L website. This button would redirect to the W&L home page, for example. This kind of tool is helpful to survivors suffering from PTSD, trauma, or anxiety who might encounter material on the website that exacerbates their symptoms.
- Communicate that LGBTQ+ students have the same access and protections as their cisgender and straight peers at W&L.<sup>9</sup>

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<sup>7</sup> This form can be accessed here:

<https://managementtools3.wlu.edu/WLUForms/Default.aspx?Form=1646>

<sup>8</sup> See the current webpage here:

<https://my.wlu.edu/student-life/health-and-safety/public-safety/campus-safety-and-crime-reporting/annual-campus-security-report/sexual-misconduct>

<sup>9</sup> See, for example, Amherst College President Biddy Martin’s statement on this issue, “Information for Transgender Members of the Amherst College Community,” updated 6 March 2017.

<https://www.amherst.edu/campuslife/health-safety-wellness/sexual-respect/information-for-transgender-members-of-the-amherst-college-community>

## Campus Culture & Sexual Stigmatization Calls to Action

Washington and Lee has a uniquely toxic culture that takes in boys who generally regard their female peers as equals and turns them into men who regard women as objects, property, conquests, and badges. The vehicle for this transformation, is, largely, the fraternity system. Its outsized influence at W&L means that young men who might have had respectful relationships with female peers before fraternity recruitment become harmful to those same peers after indoctrination in this system. In the decade or so after their graduation, these men often realize the harm they have caused, and they then apologize to their female alumnae peers. Many in the WLAC have received such apologies from W&L men, who admit that it was the culture of W&L (and its fraternities) that led them to do things they regretted that also harmed their own mental health. And many more have told each other they would not allow their daughters to attend W&L.

This harmful culture is largely due to the uniquely pervasive and controlling nature of the Greek system at W&L. So many students participate in this system that they exert enormous power over campus social culture and norms. In turn, this power dynamic cultivates and perpetuates unhealthy attitudes about sex, alcohol, and partying in general.

Huge fraternity dues that cost many times the dues of sororities reinforce this culture, providing alcohol and marijuana free of charge to attendees at parties in fraternity houses and off-campus locations. Fraternity members also serve as gatekeepers to sober rides to and from parties at country homes, and to alcohol, drugs, exclusive formals held at out-of-town hotels, mixers, and cocktail parties on large social weekends that lead up to the official school events. In fact, fraternities are the controlling element in all forms of socially “prestigious” events. Fraternity members can even influence what sororities offer a female student a bid by engaging in sexual activities with first-year women and gossiping about them to women involved in sorority recruitment.

Female students thus try to walk a tightrope of just enough heterosexual availability in order to stay on the “correct” side of conservative femininity and gain continued access to fraternity parties. When they fail by either opting out of hookup culture, saying no to male students who feel entitled to female students’ bodies, or by engaging too enthusiastically in sexual activities that are outside a narrow norm, they are socially punished by both female and male students through vicious gossip.

Our overarching goal is to cultivate an atmosphere at W&L where there *are* consequences for sexism and violations of consent but *are not* consequences for safe sexual exploration as long as it is undertaken freely and without coercion. We are aware this will take a lot of sustained work over many years, but it does exist in the “real” world. We are confident that the following changes will start the W&L community down a better path, where all students can build lifelong friendships based on wonderful memories, instead of gender, Greek organization affiliation, or shared pain and shame.

1. **Provide additional funds to expand Traveller Dispatch.**  
We recommend expanding its hours of operation from 10 p.m. to 10 a.m. the next day., and expanding its scope so that it can pick up any student from the farthest housing. sThe current system’s rules and proscriptions ensure that a student who is not visibly incapacitated or sick could face a choice of waiting outside in the cold for an hour or accepting an invitation to a warm, nearby bed, tilting women toward saying yes to sexual experiences and situations that they do not actually want. Because there is no late-night taxi system, Uber, or Lyft in Lexington, this current system also puts students at the mercy of whoever has a car. It ensures that if a student finds themselves at off-campus housing after 2 am—and they are too far for walking or dressed inappropriately for the walk home after one of W&L’s many sexy themed mixers—they must ask someone, including potentially the person who violated their consent the night before or that person’s friend, to drive them home.
2. **Require that fraternities and sororities have the same rules around serving alcohol and having members of a different gender in bedrooms.**  
The current rules, applied unevenly to the genders, create an unsafe environment where almost all alcohol consumption and sexual contact occurs within the residences of male students, creating an unsafe power dynamic.
3. **At mixers and parties, require one or more trained “guardians.”**  
These are sober people who have a visual badge or symbol that indicates that they are to be trusted to intervene if someone indicates they are feeling unsafe. This method is proven to protect participants and creates a safer culture.
4. **Require fraternities to contribute a portion of their dues to campus-wide social events.**  
Current campus social life revolves around fraternity parties; for example, there is no campus-wide Homecoming celebration but rather individual parties at individual fraternity houses to which women and non-member men must be invited. We therefore propose that fraternities contribute to a campus-wide fund that would finance campus events welcome to all.
5. **Expand affordable lunch dining options for upperclassmen on campus and eliminate lunch service at fraternity and sorority houses.**  
After their first year, Greek-affiliated students take all their meals at their houses, and they no longer spend meaningful time with each other outside of either highly structured classroom settings or the alcohol-saturated party scene. They begin to view the different sex as a one-dimensional archetype viewed through a thick haze of substances. Expanded lunch spaces create sorely needed spaces where students can spend time and converse authentically with different genders while sober, thus allowing and encouraging men to have platonic friendships with women outside of parties and hooking up.