

Cur Non:

An Analysis of Lafayette College's Past and Present Stances on Sexual Assault and Harassment
on Campus

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I. A Tale of Two Campuses

On March 30, 2015, Lafayette College students, faculty, and local community members alike embarked on a journey from College Hill down to Centre Square. To the onlookers, the demonstration looked more like a large number of college students making a rare descent from the hill they call home. However, instead of the usual reason for heading into Easton that typically has something to do with happy hour specials or late night dancing at Drinky's, Lafayette united as a whole to protest sexual assault on and around the college campus; for one night, the bars could wait and the hope for a campus free of sexual violence against both men and women alike triumphed. An overriding message of the entire event circled around voice. Whether it was a call for hearing the victims' plights, a chant aimed at rallying supporters, or the deafening silence that spoke as a testament to the realities of cries for help that went unheard, the utterances of the night sounded the alarm on the underlying issue, the lack of agency a victim is subjected to by their oppressor. "Take Back the Night" reminded Lafayette College that they are not immune to the incidents of sexual violence and that as a campus community and even more specifically, even just as human beings, it is the responsibility of Lafayette College as a whole to change the culture around and responses to occurrences of sexual assault; it is the responsibility of everyone to make the metaphorical night not so haunting.

Contrast this image of a college actively uniting against an image of the very same institution who years prior failed to implement a policy on sexual assault and harassment until the severity of incidents could no longer be ignored. While it is almost certain that sexual assault took place on campus prior to its transition into being a coed institution, Lafayette College's admission of women into the college in 1970 brought a whole new dynamic to the campus. With women now occupying previously all-male spaces, Lafayette College's prior procedures in

approaching student matters failed to translate into protections for its female students. It took ten years after Lafayette went co-ed for a clandestine dialogue to begin focusing on the absence of sexual assault policy, but its progress since then can best be characterized as apathetic at best. The lack of ownership and leadership on this issue neither dismisses nor changes Lafayette College's continued history of failing to address sexual assault incidents on campus; instead makes its students question: "Cur Non? Why is this issue not being taken seriously?"

II. The History We Do Not Boast About

In order to accurately explicate the current cultural climate surrounding the issue of sexual assault and harassment, it is important to revisit the college's past handlings of said incidents. The first archived conversations on the topic were written in response to a fraternity hosting an offensively themed party after it was brought to the attention of administrators by the Professional Women of Lafayette. On February 21, 1981, Delta Upsilon threw a "back to the womb" party where at such an event, their home was transformed with tampons, condoms, and most shockingly, a coat hanger meant to symbolize a fetus being aborted.¹ The incident was widely criticized on the campus as being distasteful and insensitive to women's issues yet immediate commentary from the fraternity demonstrated a serious lack of remorse and an even more serious lack of understanding on why what they did was wrong.² In an article published November 17, 1981 from Lehigh University's *The Brown and White* Student Newspaper, the Chapter President of Delta Upsilon at the time, Tom Loughlin, is quoted on record as saying, "There's no more of a problem here than anywhere else," adding that 'it's not a fraternity

¹ Professional Women of Lafayette, Letter to President David W. Ellis, March 2, 1981, President's Office Files. (II.21.4). Special Collections and College Archives, David Bishop Skillman Library, Lafayette College.

² Ibid.

problem, but a problem of sexual stereotyping”³. Loughlin’s words illuminate a trend in attitudes on campus regarding the relatively new presence of women on campus; that trend reveals itself to be an unwavering denial of the existence of a problem. The lack of acknowledgement allowed the issue to be unaddressed and more importantly, kept within the confines of Lafayette. As long as everyone agreed to keep the truth suppressed, the truth would stay suppressed. However, the “back to the womb” party invited an opportunity to break from this hushed, unspoken agreement. Prior to the unwanted publicity, Lafayette had enjoyed a more than ten-year grace period of not being questioned about its lack of policy on sexual assault and harassment. The event exposed that no protocol existed and the administration scrambled to create a piecemeal procedure. The problem escalated beyond the control of the school and outside commentary forced recognition of a problem and more importantly, demanded a change to past precedent.

In a March 2, 1981 letter addressed to President Ellis, the Professional Women of Lafayette (PWL) demonstrated a willingness to aid with the advancement of the school’s task of creating a meaningful document on the subject matter. The group called for “a system of substantial penalties be announced and carried out. Such action is essential if Lafayette College is to remain a humane institution.”⁴ The Professional Women purposefully appeal to humanity of its audience knowing very well that Lafayette is an institution who relies very much on its

³ “Area Fraternities Find Themselves on defensive,” *Lehigh Student Newspaper: The Brown and White*, Last Modified November 17, 1981, 2015, <http://digital.lib.lehigh.edu/cgi-bin/showfile.exe?CISOROOT=/bw2&CISOMODE=print&CISOPTR=44802>.

⁴ Professional Women of Lafayette, Letter to President David W. Ellis, March 2, 1981, Special Collections and College Archives, David Bishop Skillman Library, Lafayette College.

history and reputation; a blemish on such an image would greatly hurt the appeal of the institution to prospective students as well as inhibit alumni monetary support.

The response redirected the Professional Women of Lafayette to Mr. Joseph J. Mignon, the Director of Personnel at the time. The follow-up correspondence alluded to the notion that Mr. Mignon had quietly been looking into the matter for quite some time but yet documents supporting his search are not available.⁵ In addition, Mr. Mignon's lack of urgency on the issue mirrors an overall lackluster attitude toward sexual assault and harassment on campus. The resolution that eventually came to materialize was a recommendation that female victims of sexual assault report to Dean Sivulich and male victims confide in Dean Kissiah. The separation of which Dean to report to according to one's sex was intended to make victims feel more comfortable speaking about what had happened but such a designation did not prompt openness and dialogue.⁶ Instead, the trend of no reporting continued because the school failed to address the culture on campus that condoned occurrences of such incidents in the first place. Without programming or even a campus-wide lecture aimed at changing the conversation, the culture remained the same. Much like any environment without sufficient means to address sexual assault, victims who dared to speak up were ostracized and perpetrators enjoyed the support of their peers. Despite an interim solution being put into place, the protocol lacked means of enforcement and was grossly overlooked by the student body because the rollout of the document was largely a formality.

⁵ Professional Women of Lafayette, Letter to Joseph J. Mignon, March 2, 1981, President's Office Files (II.21.4) Special Collections and College Archives, David Bishop Skillman Library, Lafayette College.

⁶ Ellis, David W, Letter to The Professional Women of Lafayette, March 10, 1981, (II.21.4) Special Collections and College Archives, David Bishop Skillman Library, Lafayette College.

Finally on October 16, 1982 the Board of Trustees approved an official policy to be implemented beginning on December 8, 1982. The text of the document attempts to clarify the definition of sexual harassment and assault, admonishes perpetrators, and outlines the steps for victims to take. The closing lines read: "An individual found to be guilty of sexual harassment is subject to disciplinary action for violations of this policy, consistent with existing procedure."⁷ While it is admirable the college wishes to punish the offenders, nowhere does it mention what the actual punishments would be. This is particularly troublesome because it threatens action without outlining clearly what action the school truly intended to take. It remains unclear whether the leniency in the policy was intentional or not, but the fuzziness of the details gives reason for pause. The lack of transparency could have allowed the school to potentially mishandle reported incidents. Without transparency, Lafayette administrators may have overlooked, denied, or insufficiently addressed victims' claims. There was no system in place for administrators to methodically approach the collection of evidence and uniformly enforce consequences for guilty attackers. The potential for personal biases to prevent the emergence of the truth regarding sexual violence on campus still remains largely unknown.

There is a small glimpse into Lafayette's history of reported sexual violence that appears incomplete in its findings. As the school continues to add to its sexual harassment policy, the term "sexual harassment" becomes interchangeably used with "sexual assault" and "sexual violence" which causes some confusion as to which issue Lafayette is attempting to address. In an article dated March 9, 1991, Karen Forbes, James Kriroski, and Detective Walter Howell boast a statistic that is meant to illustrate the school's absence of sexual assaults. They write,

⁷ Ellis, David W, Memorandum, December 8, 1982, Reference Files: Sexual Assault, Rape, and Harassment Policies, Special Collections and College Archives, David Bishop Skillman Library, Lafayette College.

“Statistics for the past three years at Lafayette show that no rapes had been officially reported, although three sex offenses were reported between 1989 and 1990.”⁸ The aforementioned statement is filled with contradiction and reveals that whatever reports the school was releasing were most likely inaccurate depictions of the sexual assault climate on campus. There is an obvious yet unspoken mismanagement of the classification of sex offenses; rape is in fact a sexual offense, yet this report holds that these two items warrant different classifications. Many of the remaining archived documents contain clarifications of vocabulary on the subject as the rhetoric evolved nationwide. While making a distinction between categorization of sexual offenses is important, equally as important but prominently lacking is procedural mandates. Later iterations heighten the severity of sexual assault and the rhetoric of the documents does reflect a sense of urgency on the campus’ part. However, all parties that are found to be guilty of committing an act of sexual violence are not treated uniformly; the most recent policies continue leave room for leniency and discretion for Lafayette to act partially.

III. Required Policies Do Not Equal Good Policies

The Human Resources Department has the 2015 sexual assault policy available on its website and what becomes apparent is that the transparency of such information is again a formality, an effort at federal compliance, not a reflection of an institution committed to addressing the issue in a meaningful way. In the subsection labeled “Sanctions,” the document reads: “Any member of the College community who engages in sexual harassment or other conduct in violation of this policy is subject to the full range of disciplinary action, up to and

⁸ Rice-Maue, Lauri, “Lafayette Maps Response to Campus Sexual Assaults,” *The Morning Call*. Last Modified March 9, 1991. 2015. http://articles.mcall.com/1991-03-09/news/2781793_1_acts-of-sexual-harassment-college-students-sexual-assault-awareness-week.

including separation from the College.”⁹ What exactly is “the full range of disciplinary action”? The threat of expulsion is severe yet the phrasing makes it seem to be a last resort, not an immediate reaction to finding a person guilty of sexual assault. Consider the implications of the school electing to not immediately expel someone from the campus who has been confirmed of committing an act of sexual assault. The perpetrator continues to walk among their peers and the victim has the potential to face them on a daily basis, even if it is from a distance. The incident may be severe enough to cause a victim to transfer. Although the victim may no longer be on campus, the message that is put out there is that the institution is more concerned with protecting the perpetrator than the victim and that truly is an idea that is hard to swallow.

There is a reality in a victim resorting to transferring as a result of the post-assault aftermath. On April 17, 2015, *The Lafayette* released “Not Consented, Not Reported,” a piece chronicling two of five students who spoke to the school newspaper about their difficulties in receiving support from Lafayette after they were sexually assaulted. Despite the school maintaining their commitment to assisting victims, the accounts from the victims say otherwise. The author of the article, Christina Shaman, writes, “The other three said that they were afraid to file charges. They were afraid of the men who had violated them. Afraid of backlash. Afraid they would not be believed.”¹⁰ It is the voices of the victims, not the legalese the school has subscribed to and reiterated that illustrate the school’s shortcomings despite its overhaul of programming. Their sentiments reveal that Lafayette College has not succeeded in creating a

⁹ “Lafayette College Policy on Sexual Harassment” *Lafayette College: Human Resources*. 2015. <http://hr.lafayette.edu/files/2011/01/Lafayette-College-Policy-On-Sexual-Harassment.pdf>.

¹⁰ Shaman, Christina. “Not Consented, Not Reported.” *The Lafayette*. Last modified April 17, 2015. <https://www.lafayettestudentnews.com/blog/2015/04/17/not-consented-not-reported/>.

culture that is tough on sexual assault; it reveals that its student body does not have confidence in the administrators to follow the proper procedures or even believe that these offenses occur on campus.

With the two remaining victims formally reporting, only one of them said the school resolved her case technically speaking, although she believes more could have been done. The woman who identifies under the pseudonym of Jane admits she transferred in response to the school insufficiently handling her case. When reaching out for help at Bailey's Health Center, the counselor on her case dismissed her story as not an incident of rape because she had been intoxicated at the time it occurred.¹¹ The response she received from a person who is supposed to be not only a professional but a source of support in all instances of emotional distress is worrisome. While the counselor may not have intentionally meant to write-off Jane's experience, her words mirrored a similar attitude in the campus community and prompted her to transfer. Upon reflection, she questioned whether all college campuses were equally as inept in supporting the victim and punishing the perpetrator; her answer was found at the new institution in which she enrolled. She reveals, "After transferring, I came to a very welcoming and understanding place... There were posters up all over campus saying, 'We've had sex before isn't consent,' 'Intoxicated people can't give consent,' and it's such a part of the culture here to understand consent that it was really for the best that I left."¹² To be perfectly blunt, Lafayette College failed Jane and most likely many other who victims who have suffered in silence. Other campuses have succeeded in creating an open dialogue on the subject and implemented meaningful policies that punish perpetrators with sanctions that are proportionate to their offenses. In addition, other institutions of higher education have fostered cultures and communities that aid instead of blame

¹¹ Ibid.

¹² Ibid.

the victim. If other institutions are able to make a victim feel safe, again I ask: "Cur Non Lafayette?"

The college's failings to advance its own campus-wide culture that admonishes assailants can be attributed to its history of rigid hierarchy. For 144 years, Lafayette College enjoyed a campus that was essentially run by all males.¹³ Beginning in 1970, the college attempted to adapt to presence of females to little avail. The admission of women into the educational fold did not foster equality in social settings. The premise behind the "back to the womb" party in 1981 illustrates that women were viewed as a comical idea for a themed party, not an entity to be taken seriously or thought of as equal to their male counterparts. Women on campus today remain to be viewed to some extent as a lesser than their male peers. While academically women are afforded the same opportunities as males for the most part, identifying as a female in social contexts does not elicit the same luxury. Being a woman immersed in the culture at Lafayette means knowing the importance of walking in pairs or a large group if out late at night, it means wondering if the jungle juice has been spiked, and it means being unsure of whether to report a sexual assault for fear of being accused of lying or retribution. While Lafayette is an academic institution, it is in equal parts a social environment. Ignoring the inequalities that exist in social settings does not mean that a traditional hierarchy where men rule supreme and unchallenged does not exist. Turning a blind eye to the existence of such a hierarchy only perpetuates and promotes its existence.

The hook-up culture on this college campus in particular is hard to ignore and feeds into a system where men capitalize on their ability to control and women are forced to accommodate

¹³ "The History of Lafayette College," *Lafayette College*, 2015, <https://www.lafayette.edu/about/history>.

accordingly if they are to be paid any attention by the opposite sex. On the topic of hook-up culture Professor of Psychology and Women and Gender Studies Susan Basow points out, "It's part of rape culture, which is the larger culture, where men and women are, in many ways, trained for rape to occur."¹⁴ If the hook-up culture breeds rape culture and it is known to even professors that there is a strong hook-up culture on campus, it would follow that the rape culture on campus should reveal itself to be alarmingly high. However, when testing this theory against the college's federally mandated release of an annual security report, the numbers do not add up.

The Annual Security Report released during the 2014-2015 school year reveals what incidents took place on campus in the three prior years, 2011 through 2013. Between these years, there is a public record of 6 occurrences categorized as forcible sex offenses and 0 non-forcible sex offenses. In addition, there are 4 total sex offenses reported over the same timeframe.¹⁵ There are many problems with these findings. To begin, what is a non-forcible sex offense? Any unwanted sexual advance by one person to another person is in fact a forcible sexual offense so the idea that there is a non-forcible sex offense would have to always be reported as zero because the idea itself does not exist. Next, there are 4 sex offenses that are considered distinct from the 6 other incidents of forcible sexual offenses. If non-forcible sexual offenses were a thing, then shouldn't these 4 sex offenses be categorized as just that? This report paints a very confusing picture of how the school classifies sexual assault on campus. It does not even take into account referrals made by anonymous sources on the suspicion of sexual assault taking place. It is hard to

¹⁴ Shaman, Christina, "Not Consented, Not Reported," *The Lafayette*, Last modified April 17, 2015, <https://www.lafayettestudentnews.com/blog/2015/04/17/not-consented-not-reported/>.

¹⁵ "Public Safety: Annual Security and Fire Safety Report, 2014-15." *Lafayette College: Public Safety*. 2015. http://publicsafety.lafayette.edu/files/2014/09/Public-Safety_Report_14_15.pdf.

believe that only 10 times in the span of three years did sexual assault occur at Lafayette College. There were five people who admitted to being sexually assaulted in "Not Consented, Not Reported" alone and three of those five again did not report; it can only be assumed that there are many more victims and whether they choose to report it or not, the school must do a better job of indicating the realities of sexual assault on campus.¹⁶ It is the responsibility of the institution, not the victims, to strive to protect the safety of its students and faculty. In order for sexual assault to be taken seriously on campus, the school must begin to address the existing inequality in social aspects, not just the achievement of academic parity.

IV. Like a Leopard Should

When applying to colleges, almost every institution of higher education will ask you, "What can you contribute to our school?" Somewhere between fumbling over your list of accomplishments and awards in high school and your previously rehearsed speech on what makes you a [insert school mascot here], you begin to wonder if I am bringing all this to campus, what exactly are they offering me? It is this question that is usually glossed over and ignored that institutions such as Lafayette must do a better job at answering for its past, present, and future students. In board meetings members must better answer what exactly Lafayette College offers its students aside from academic achievement. In administrative huddles they must ask, "Does Lafayette's structure promote equality in all aspects of the word and in the endeavors its students aim to take on?" And in the multiple and endless powwows of various groups uniting to discuss how best to address problems that take place on campus, the people must unanimously get behind an effort that promotes true transparency and assistance for victims of sexual assault.

¹⁶ Shaman, Christina, "Not Consented, Not Reported," *The Lafayette*, Last modified April 17, 2015, <https://www.lafayettestudentnews.com/blog/2015/04/17/not-consented-not-reported/>.

Before the next headline of a paper confirms it, before the next student transfers, and before the next victim is attacked and feels their silence is the only solution to the problem, Lafayette College must change in order to proactively address the culture of sexual assault on campus and work toward offering its students a commitment on the issue that is equal to the commitment that the students give to the institution. The future of Lafayette College as a "humane institution" depends on it because the students of tomorrow are demanding to know why a school as prestigious as our own is not making their safety a priority.¹⁷ In failing to address the concerns and occurrences of sexual assault on campus, the school will begin to see exactly why prospective attendees decided on a school other than Lafayette for the why not Lafayette will have been answered; they are not tough on sexual assault.

¹⁷ Professional Women of Lafayette, Letter to President David W. Ellis, March 2, 1981, President's Office Files. (II.21.4). Special Collections and College Archives, David Bishop Skillman Library, Lafayette College.

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