

TOWARD A CULTURE OF RESPECT:
THE PROBLEM OF SEXUAL MISCONDUCT AT AMHERST COLLEGE

Report of the Special Oversight Committee on Sexual Misconduct

AMHERST COLLEGE

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PREAMBLE

Amherst College prides itself on being a haven for humane values and for offering an outstanding liberal arts education to an extraordinarily bright, committed, and diverse student body. We who make up the College community—faculty, staff, students, and alumni—think of ourselves, not unreasonably, as creative, competent, and hardworking people, who have the best interests of students and colleagues at heart.

In late 2012 a series of deeply troubling and personal accounts by current and former students about being sexually assaulted on campus and the College's response were circulated widely via local, national, and social media—shocking the Amherst community and a good many others. While a process was already under way at that time to revise the College's procedures in this area, and to consider broader ways to address sexual misconduct, these public revelations served as a catalyst for an immediate and comprehensive reexamination of this problem. One part of the College's response was to appoint a Special Oversight Committee on Sexual Misconduct and charge it with rendering a report and offering recommendations to President Martin. These findings would then be shared with the Amherst College Board of Trustees at its January 2013 meeting. The work of the Special Committee would guide the College in improving its handling of sexual misconduct and preventing, as far as possible, such behavior in future, and would serve as an example of best practices among our peer institutions. This is that report.

We strive here to be fair and balanced about Amherst's past history with respect to issues of sexual misconduct. We recognize the many efforts by staff, faculty, administrators, and students, in some cases going back decades, to address the problem. However we also focus attention on structural issues that may help explain why the College failed some and perhaps many victims of sexual assault in past years, and why it paid less attention to prevention than it could or should have. And we acknowledge the responsibility of all parts of our community—administration, faculty, staff, and students—to attend to and protect each other from behavior of this kind.

We have been forced to recognize that sexual misconduct is endemic to the world our young people inhabit. Enforcement of the law and day-to-day accountability with respect to sexual misconduct remain a challenge virtually everywhere, because shame, fear of retaliation, and the often justified sense that they will not be believed still stop the majority of victims from coming forward. There is a deep residue of misery and unresolved trauma—sometimes made worse by official disregard—that has surrounded this issue for generations, that has damaged the lives of real individuals, and that cannot simply be wished away or retrospectively made right. In this last respect too, sadly, Amherst College probably reflects the larger surround.

Over the last year and a half colleges and universities across America have been focusing on revising their sexual misconduct policies and procedures and Amherst is no exception. One

impetus for this was a U.S. Department of Education directive of April 2011 (explained in more detail in the Introduction to this report) that added significantly to the responsibilities of educational institutions with respect to the problem of sexual misconduct. The other was and is a powerful wave of student activism that has led to revelations by students and alumni/ae at scores of institutions of higher learning, often published on the web, about institutional failure to respond effectively to the problem of sexual misconduct. Though Amherst may have received more media attention than some, it is by no means the only institution of higher learning currently under the spotlight for shortcomings with respect to sexual misconduct.

This committee believes strongly that Amherst must acknowledge the problem of sexual misconduct openly and address it directly. This posture of openness must continue even after the attention to the issue wanes, as it inevitably will. The College must comply with the law, particularly Title IX, and it should not just be bare compliance, but thorough, enthusiastic, and transparent compliance with both the letter and the spirit of the law. The College needs to be responsive to the needs of victims and to strive, wherever possible, to allow them agency and choice. And it must be, and be seen to be, fair and equitable in its treatment of persons accused of sexual misconduct. If our system is believed to be unfair or unjust it will serve no one well.

The College should make every effort to shift the campus culture toward primary prevention. Once a sexual assault has occurred, it is too late to make things completely right again. That means a considerable investment by the College, so that it has in place a properly trained staff and the right resources, but also, where appropriate, so that it can access external resources of the highest quality. And finally we need to enlist the whole community in working toward a vision of a truly equitable educational environment, free of harassment on the basis of gender or any other category of difference. We should aim to be a community where sexual misconduct is a thing of the past.

Colleges and universities have special expertise in education; they also have a lot of experience at building community. We believe Amherst has impressive ability in both realms, and we think the College has an unparalleled opportunity both to change the culture around sexual respect and educate its students better, to graduate young people who really will live principled lives of consequence. This report is a preliminary effort to map the way forward to this worthy goal.

EXECUTIVE SUMMARY

Sexual harassment and misconduct are problems across the college campuses of America and Amherst College is no exception. The Special Oversight Committee on Sexual Misconduct was convened to map the dimensions of the problem, recommend ways that the College could respond more effectively to sexual misconduct when it occurs, and search for ways to greatly reduce its frequency, ideally to zero.

First the committee looked at whether the College had swept sexual assault cases under the rug as has happened at some colleges and universities. Like all other institutions of higher learning Amherst is required under the Clery Act to publicize all known cases of sexual assault along with a number of other types of crime. These data are largely useless for determining the actual incidence of sexual misconduct, because the vast majority of victims (some experts say 95 percent) do not come forward and consequently are not reflected in the figures. But Amherst's Clery figures *do* show that the College has long been more efficient and effective at reporting those cases of assault and misconduct *that come to the attention of school officials* than are some of its peers. Amherst College has not been sweeping the problem under the rug. However, to say that Amherst has sought to achieve good reporting is not to say that the College always responds well to the cases that it knows about. Our judgment is that it has not always done so.

Another question we felt compelled to ask was whether sexual misconduct was a worse problem at Amherst College than it is at other colleges and universities. We did not find evidence to persuade us that this is the case. Since 2006 Amherst has participated in the National College Health Assessment, a well-constructed and highly credible survey of college students from institutions of higher learning across the country. In the 2012 survey just under 5 percent of Amherst women and 1 percent of Amherst men reported having been penetrated against their will and a larger percentage reported "lesser" forms of sexual misconduct. These numbers closely match those at other four-year colleges that participated in the NCHA survey. The best evidence available to us, therefore, suggests that the incidence of sexual misconduct at Amherst is no worse than at our peer institutions; it is also no better. Our committee feels strongly that this is not good enough. We should aim to do much better than the norm.

The committee spent a good deal of time examining the effectiveness of the college's response to cases of sexual misconduct when they came to the attention of College authorities. Our committee found that, once students did report sexual misconduct to College authorities, the response was quite mixed and at times inadequate, at least prior to the summer of 2012. Though a support structure of caring individuals has long been in place for responding to cases of sexual assault it does not always seem to have worked especially well. The sequencing process for complainants was often unclear, emergency services ill-coordinated, mental health and other support services were unreliable, some personnel were poorly trained in how to deal with this problem, and the composition of the Hearing Board may have deterred victims of assault from bringing cases forward. At the procedural level most of these problems have now been dealt

with as a result of the systematic reforms made to our Title IX Sexual Harassment and Misconduct policy that began in the spring semester of 2012 and are now virtually complete. But the present report goes beyond Title IX policies and procedures to probe structural problems in Student Affairs that have compounded the problems of communication and coordination and may have led to mistakes and errors of judgment in working with some victims of sexual misconduct. We recommend a number of changes to deal with these organizational problems and ensure that the new Title IX policy is implemented in the most effective possible way.

What we all want is to eliminate sexual misconduct before it occurs. Pursuant to this goal our committee worked hard to understand what sexual misconduct actually looked like at Amherst College. A number of studies of sexual misconduct on college campuses have shown that the most likely group to be victimized by sexual misconduct is first-year women and that most perpetrators are men. Studies also show that alcohol is a contributory factor in over 70 percent of cases of sexual assault on college campuses. All of these things also hold true at Amherst. First-year students, especially women, are the group most at risk, the perpetrators are typically men, and sexual misconduct is very highly correlated with heavy alcohol use on the part both of perpetrators and victims.

The vast majority of Amherst students do not assault or harass fellow students but it proved difficult to characterize the minority that does. So for example, there is a stereotyped assumption that athletes are more prone to sexual misconduct than non-athletes. Yet our research found that athletes were *not* disproportionately represented among the perpetrators. We also could not lay the problem at the door of underground fraternities or any other clearly identifiable group. In the end our committee came to the conclusion that it was counterproductive to try to indict any one demographic. Rather we need to work as a community to identify structures and patterns of collective behavior that facilitate sexual misconduct and discourage reporting. Having identified them we need to work together to change them.

One recurring pattern we found has to do with the way some student organizations and social networks “mentor” and assimilate first-year students into their collectivities. Heavy alcohol consumption and other risky behaviors are sometimes pressed upon first-year students in a process that looks a good deal like hazing and that can become exploitative. Moreover, when sexual harassment and misconduct occur victims are sometimes discouraged from reporting what has happened and group members tacitly or openly take the perpetrator’s side. This is a major disincentive to reporting cases of sexual misconduct.

Accordingly, a number of our recommendations emphasize more responsible forms of mentorship of younger students by older ones, more inclusive and accountable leadership in student organizations, and better training on how to intervene in social situations that may result in sexual misconduct.

The committee also found some structural problems with College space that may facilitate sexual misconduct. There are few inviting party spaces and parties held in the basements of dorms often spill over into living spaces. There are few spaces large enough to hold the bulk of the student-body all at one time. And there is a lack of appropriate venues at Amherst for other kinds of student-run creative enterprises. The space issue is one among several factors contributing to a rather poor sense of community at the College, and it needs to be thoughtfully addressed.

In this report we seek to confront the problem of sexual misconduct honestly and holistically. Our approach has been to acknowledge the failures of the past, including institutional failures, and to think strategically about how to create a future where sexual misconduct has no place.

The Substance of the Recommendations:

- The College should redouble its efforts to build an equitable and inclusive community that values and promotes respect and good citizenship, and that is also mindful of the importance of health and safety to a good learning environment.
- The College needs to improve coordination and communication within the broad field of Student Affairs, and particularly with respect to the Counseling Center, the Health Center and the Dean of Students Office. This might include the merging of some services; it should certainly involve better crisis management, the adoption of clear and transparent protocols, clarifying the responsibilities of personnel, and providing staff with up-to-date training. Student Affairs needs to focus far more of its resources and time on cocurricular activities and in helping to foster a vibrant and healthy student body.
- The College should focus more attention on integrating first-year students, especially first-year women, into the Amherst community. This should be done in a way that encourages care and respect for oneself and others and that contributes to building a greater sense of community.
- The College should seek to raise awareness about inequalities and unhealthy social patterns within the campus culture that both contribute to sexual violence and help silence its victims. Broadening and diversifying student leadership opportunities, emphasizing the responsibilities that come with leadership, and finding ways to give women and other underrepresented groups greater agency should all be priorities.
- Building a culture free of sexual violence is a project to which the whole community needs to commit itself. In particular both men and women should be enlisted and encouraged to combat sexual violence. Educational efforts need to reach out to all constituencies at the college.

- The link between sexual violence and excessive alcohol consumption is incontrovertible. The College should revisit its alcohol policies and its student programming with a view toward encouraging healthier drinking habits and more low-alcohol or alcohol-free social alternatives.
- Developing appropriate spaces for social activity can help promote a safe environment in which the risk of sexual misconduct is minimized. It appears the College has a shortage of such spaces—specifically, larger and more open spaces in which students interact openly and without fear of being “cornered” or “stuck” in a small room of a suite, a corridor or a staircase. We encourage the Administration to take these concerns into account when planning future expansion of the College’s physical plant, and also to consider more short-term solutions that can be implemented promptly.

I. INTRODUCTION

Sexual harassment and sexual misconduct¹ are inimical to the principle that women and men deserve equal access to education. For that reason, as part of the effort to overcome traditional obstacles to the achievement of women, Congress passed two key pieces of legislation. They are the Education Amendments of 1972 (Title IX of that act being the most relevant), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990.² These two laws mean that educational institutions, by virtue of the importance of their mission, are held to a higher standard with respect to sexual misconduct than is the rest of society.³

I.A The College’s Handling of Sexual Misconduct

Despite these laws and despite our principled support for them, anecdotal reports suggest that in the past students who experienced sexual assault or other forms of sexual misconduct at Amherst College often felt as if they had few resources at their disposal. There was also a belief that the volume and severity of such incidents was unacceptably high. Though the College has long had a sexual assault counselor on the Dean of Students staff many students, in the aftermath of sexual trauma, tended to follow the traditional path of reaching out to trusted friends, including classmates and members of the Faculty, coaches, and other staff. As is true of other campuses, and society at large, the underreporting of these traumas to official parties was reinforced by the ad hoc systems that supported victims. Victims sought confidential ways to talk about their experiences, and trusted, well-meaning friends held these confidences. There was also a recurring pattern of overt or covert retaliation or silencing of victims, either by the perpetrator or by his or her friends. Since many of the victims appear to have been first-year students, and little acquainted with the College, one can imagine that pressures of this kind, especially if they came from upperclass students, were difficult to resist.

1 Those are the preferred terms used in Title IX compliance documents. Sexual harassment generally refers to the use of one’s position to extract or attempt to extract sexual favors; it may also refer to behaviors that create a hostile climate. Sexual misconduct is a broader term that encompasses a variety of types of unwanted sexual or sexualized behaviors including unwanted touching, stalking, cyber-harassment and rape. There is necessarily overlap between the two large categories.

2 The 1972 law amended, clarified and extended the Civil Rights Act of 1964.

3 For example, Title IX requires colleges, universities, and public school districts to take “immediate action to eliminate sexual harassment (including sexual violence), prevent its recurrence and address its effects.” In contrast, non-educational bodies and society at large are seldom required either by law or by custom to be this proactive with respect to sexual harassment either past or anticipated. The Clery Act requires institutions of higher learning to publicize annual statistics on crime, including sexual assault and rape, as well as to inform victims about existing counseling and other services available to them. Other local entities (e.g., municipal police departments or town governments) in most jurisdictions are not required to report in such a rigorous manner, nor must they offer victims information about existing services, though they may do so on a voluntary basis.

Some students did come forward to report sexual misconduct, and some did receive the support they needed and wanted from the College. But others felt less well served. It must also be noted that going before a Hearing Board with a sexual misconduct case involves one in an intrinsically adversarial process, and some survivors were deeply distressed when they did not get the “verdict” they thought their case warranted (the same was true of accused persons). Still, as far as we can determine at this remove, most cases that came to the College’s attention were handled in the way the law prescribed, and there is no evidence that cases were “swept under the rug.”⁴ But that is not the same as saying that all cases were handled well. Some College staff, though well intentioned, were inexperienced in dealing with this issue; though trainings were held they may not have been extensive enough. In other cases poor coordination among different parts of the College seems to have made it difficult for victims to obtain the level of care and support they had a right to expect. External reviews of some parts of the Dean of Students Office have suggested that emergency management protocols could have been clearer in some cases. There were also systemic weaknesses in the hearing process. Before last year, Title IX regulations offered few guidelines about these Hearing Boards, beyond stipulating that they had to be made available, and a number of critics complained that our Hearing Board process was less hospitable to victims and harder to negotiate than it needed to be.

I.B The Dear Colleague Letter of 2011

In April 2011 Amherst College, in common with other American educational institutions that accept federal funds, received a new directive that clarified and expanded its responsibility under Title IX to respond assertively and proactively to the problem of sexual harassment and misconduct. This key directive is usually referred to as the Dear Colleague Letter of 2011.⁵ As a result, shortly after President Carolyn “Biddy” Martin assumed her duties in August of 2011, the College began reviewing its policies and procedures to ensure compliance with Title IX.

The push for Title IX compliance was expanded and given added impetus by concerned students, some of whom were survivors of sexual assault. Both students and members of the

4 Our Clery reporting figures have long been among the highest of all of our peer institutions, while the rate of victimization is and presumably was right at the average. For more on what this means see below.

5 Dear Colleague letter of 4 April 2011 from the United States Department of Education, Office for Civil Rights.

Title IX Committee⁶ met with the Association of Amherst Students (AAS) in December 2011 to discuss, among other things, possible changes to the Hearing Board process.⁷

The Title IX Committee made recommendations for immediate remedies for some of these issues early in spring 2012, and the changes in the student conduct process were approved by College Council and the Committee of Six that same semester. As of summer 2012, students were able to participate in the Disciplinary Board using Skype, and both complainant and respondent were given the option of submitting an impact statement to be considered by the hearing panel when determining sanctions. These changes, as well as additional improvements made under the guidance of legal counsel during the summer, appeared in the *Student Handbook* given to students at the beginning of the 2012-2013 academic year. A common reporting form was developed for internal use. In September 2012 the Title IX Committee, in consultation with the law firm of Ballard Spahr, developed clearer definitions of prohibited conduct and began assembling a more accessible list of resources for victims of sexual misconduct.

In October the pace of change picked up markedly as a result of a highly critical letter that appeared in the *Amherst Student* about the College's handling of a student who had been raped. In the aftermath of that event, a "Sexual Respect and Title IX" website was launched on the Amherst College website, linked from the home page. (See https://www.amherst.edu/aboutamherst/sexual_respect). Reporting processes and responsibilities were clarified further and the immediate and longer-term choices a victim of sexual misconduct had in seeking help and resources were outlined in a clear fashion on the website. In addition a variety of new options were added to the reporting structure for victims, including options for immediate actions, options for reporting the incident and getting support, and information about what to consider when making reporting and support decisions.

I.C Current Policy

Amherst's policy is to actively encourage those who experience sexual misconduct to report directly to the Amherst College Police or the Title IX coordinator or deputy coordinators. We also publicize widely the legal responsibility of all faculty and staff members, as well as resident counselors, peer advocates, and others, to report all cases of sexual misconduct that come to their attention. The community also has options for confidential reporting including mental health counselors, clergy, and medical professionals. However, even in the latter "protected" cases complainants are supplied with every opportunity to report and encouraged to do so. In addition in the last three months we have added 24/7 access to the University of

6 At the time the Title IX Committee had no student representation. Later two students, elected by the Association of Amherst Students, were added to the committee.

7 Minutes of the December 5, 2011, meeting of the Association of Amherst Students, Tania Dias '13, president, presiding <https://www.amherst.edu/campuslife/aas/senate/minutes/archive/f2011/12-05-11>

Massachusetts Center For Women And Community, a confidential rape crisis counseling service available to men and women. The College also added a confidential online reporting resource on our sexual respect website and a sexual respect suggestions box, where anyone can submit recommendations and choose to list his or her contact information or remain anonymous.

As part of its compliance with the Dear Colleague letter of 2011, the College also makes explicit the interim measures available to victims of assault. Our Sexual Assault website reads: “Upon receipt of a report, the College will take interim measures to protect the parties involved. These may include counseling, no contact directives, changes in class or work schedules, changes in housing, interim suspension, or other measures as necessary. Students who request assistance in changing their academic or living situation after an incident of sexual assault will receive appropriate and reasonably available accommodations.”

As a College we know we must not only be responsive, but be seen to be responsive on the issue of sexual assault. This is important both because victims will not come forward unless they think some good will come of it and because would-be perpetrators will not be deterred if they think they will not be called to account. Accordingly the College publicizes widely its core policy on sexual misconduct, on its website and elsewhere. That core policy is as follows:

“The College will take immediate action in all allegations of sexual harassment and misconduct to protect the safety of the community and of the individuals involved. Whenever the College is informed of allegations of sexual harassment or misconduct, efforts will be made to eliminate the misconduct, prevent its recurrence, and address the effects.”

I.D The Special Oversight Committee on Sexual Misconduct

By October 2012 the College was well on its way to full compliance with the directives of the Dear Colleague letter of the previous year. However the strong community response to the letter in the *Amherst Student*, and the volume of complaints coming in about poorly coordinated services for victims, gave rise to a series of larger discussions about what else Amherst could do to improve support for survivors and about ways to prevent sexual assault and misconduct happening in the first place. The Special Oversight Committee on Sexual Misconduct was a result.

The committee was charged with finding ways to prevent sexual misconduct on campus, proposing means by which the College community could become better educated about sexual misconduct and its prevention, and suggesting improvements in the college’s handling of cases. The committee was to evaluate the resources available to victims, especially in the Counseling Center, the Health Center, and Dean of Students Office and, if appropriate, recommend changes in the broad area of student affairs. It was to reflect on Amherst’s history with respect to sexual misconduct, to look at broad issues of campus environment, and to consider ways to make gender equity and sexual respect a more integral and permanent part of the culture and the

learning environment. Finally, it was to develop a set of recommendations that would go beyond the policy changes associated with Title IX compliance and aim more at culture change. (See the Appendix for the text of the Charge).

Though *Toward a Culture of Respect: The Problem of Sexual Misconduct at Amherst College* is broader in its aims than the College's Sexual Misconduct and Harassment Policy, in another respect its purview is narrower. The Sexual Misconduct and Harassment policy, part of which has already been implemented, and the remainder of which will be rolled out during spring 2013, addresses the full array of forms of gender discrimination outlined under Title IX regulations, and especially the Dear Colleague letter of 2011. It covers sexual harassment, in the conventional sense of someone attempting to use his or her position to extract sexual favors, and a variety of other behaviors that could potentially create a hostile atmosphere. It also outlines procedures for dealing with sexual misconduct, from sexual violence and stalking to retaliation, among and between students, staff and faculty-members. By contrast, *Toward a Culture of Respect* focuses on sexual misconduct *perpetrated by students against other student, particularly penetration without consent and attempted penetration without consent*. We also discuss the problem of individual and group retaliation aimed at silencing victims.

Our report comes after close consultation with a number of groups and individuals across and beyond the campus. Committee members held discussions with students and alumni/ae, individually and in groups, and made a special effort to elicit information from people familiar with the problem of sexual misconduct, either because they were survivors or because they were involved in education around the issue, or both. Many of these people only spoke to us on condition of anonymity. We also talked to past and present members of the Amherst Association of Students and other student organizations. And we read closely the transcripts, reports and personal responses generated by *Speaking to Silence: Conversations on Community and Individual Responsibility*, the day of dialogue that the College held on November 2, 2012.

Many members of the Amherst College administration and staff helped with this report. We spoke with the Director of the Counseling Center Jacqueline Bearce; Interim Dean of Students Charri Boykin-East; and Chief of Police John Carter. And we had conversations with dozens of other administrators and members of staff in the Dean of Students Office, in the Health Center, in Student Activities, and in Student Life. We closely read recent (summer and fall 2012) external reviews of the Counseling Center and the Dean of Students Office and also looked at past self-studies and reviews. And we relied heavily on the Office of Institutional Research (and especially on Marian Matheson, its director, who was of counsel to this committee) for information on such issues as alcohol use among Amherst students, comparative statistics on sexual violence here and at other schools, student perceptions of feelings of community, evaluations of First-Year Orientation, and numerous other issues.

In the last ten years there have been scores of scholarly studies on the problem of sexual violence on American college campuses. We cannot claim to have read them all but we have

read many of them. The heavy attention to the issue in recent years has also generated programs of action and national policy recommendations geared especially to prevention. We have derived particular benefit from publications by the U.S. Department of Justice (especially the National Institute of Justice), the National College Health Association, and the Centers for Disease Control and Prevention.⁸ In addition we looked at several studies of alcohol use on college campuses and interviewed a number of people at the College with special expertise in this area.

We spent a good deal of time studying other colleges' and universities' sexual misconduct policies, with special attention to other colleges' grievance procedures and the way they encourage victims of assault to come forward and report what has happened. In this and in many other realms we received an enormous amount of expert advice from Gina M. Smith and Leslie Gomez of the law firm Ballard Spahr.

⁸ See among others American College Health Association and Joetta L. Carr, *Campus Violence White Paper* (American College Health Association, 2005); National College Health Association. *Shifting the Paradigm: Primary Prevention of Sexual Violence* (NCHA supported by the Centers for Disease Control and Prevention, 2008); Heather M. Karjane, Bonnie S. Fisher, and Francis T. Cullen, *Sexual Assault on Campus: What Colleges and Universities are Doing about It* (Washington, D.C.: National Institute of Justice, 2005).

II. SEXUAL MISCONDUCT ON COLLEGE CAMPUSES

In the last twenty years the incidence of sexual assault, including rape, in the society at large has declined to a degree that would have seemed inconceivable a generation ago. Between 1993 and 2008 the rate of rape and sexual assault against females dropped around 70 percent and against males by about 36 percent. Moreover, while the majority of rapes are still not reported, the reporting rates have improved markedly from what they were.⁹ The bad news is that almost one in five American women either has or will be the victim of rape or attempted rape in her lifetime and about one in 71 men.¹⁰

Sexual assault is a gendered crime. Women are far more likely to be sexually victimized than men and they are less likely to report the crime.¹¹ And between 93 and 98 percent of rapes and sexual assaults, regardless of the gender of the victim, are perpetrated by men. It is also a crime strongly associated with young people. Young people between the ages of eighteen and twenty-four are victimized by sexual assault and perpetrate it in numbers far higher than the rest of the population.¹²

Though there is a tendency to think of sexual assault as a crime committed by strangers, this is true of less than a quarter of sexual assaults nationwide. The vast majority are committed by a person or persons the victim knows.¹³ Despite the prevalence of non-stranger sexual assault it tends to be treated less harshly than stranger-assault. So for example, men who sexually assault their wives or female partners are likely to be significantly more leniently treated in the criminal justice system than “stranger rapists/assaulters” even when the injuries are comparable.¹⁴ This double standard is, in some states, enshrined in the law. While all states (as of 1993) now criminalize spousal rape, to this day some have special rules that narrow the

9 See Lauren R. Taylor, “Has Rape Reporting Increased Over Time?” *National Institute of Justice Journal* 254, (July 2006) http://www.nij.gov/nij/journal/254/rape_reporting.html accessed Jan. 8, 2013.

10 M.C. Black, K.C. Basile, M.J. Breiding, and et al, *The National Intimate Partner and Sexual Violence Survey 2010 Summary Report* (Atlanta, Georgia: National Center for Injury Prevention and Control of the Center for Disease Control and Prevention, 2010), 1. Patricia Tjaden and Nancy Thoennes in *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, Research in Brief. (Washington D.C.: National Institute of Justice; Centers for Disease Control and Prevention, 1998), 3 suggest a slightly lower figure.

11 It is still the case that around 65 percent of women who have been raped do not report it to the police, and the non-reporting rate is almost certainly far higher for the much more common sexual assaults that fall short of rape. On reporting rates see Taylor, *Has Rape Reporting Increased?*

12 Black, Basile, and Breiding, *National Intimate Partner and Sexual Violence Survey 2010*, 24.

13 Tjaden and Thoennes, *Prevalence, Incidence and Consequences of Violence against Women*, 8.

14 Cassia Spohn and David Holleran, “Prosecuting Sexual Assault: A Comparison of Charging Decisions in Sexual Assault Cases Involving Strangers, Acquaintances, and Intimate Partners” *Justice Quarterly* 18/3 (2001): 651–688.

definition of rape when it is perpetrated on a spouse or domestic partner. This corresponds to a not uncommon belief in our society that, once people are in a relationship, the woman, especially, gives up a substantial part of her right to refuse sex or negotiate over what kind of sex she wants.

In most respects college campuses reflect the society at large when it comes to rape and sexual assault. But there are some differences. On campuses, as elsewhere, women comprise the vast majority of—though not all—victims. Perpetrators of sexual assault tend to be men. College women *and* men come from a demographic that is considerably more likely to encounter sexual violence than is the general public—most college students fall squarely in the high-risk age-group of eighteen to twenty-four. There is also some fairly good evidence that women on college campuses are at a *higher* risk of being sexually assaulted—and stalked—than their age-peers who do not attend college, presumably in part because of the culture of sexual experimentation coupled with widespread abuse of alcohol that characterizes the social life at most college campuses. First-year women are especially vulnerable to sexual violence.¹⁵

On college campuses sexual assault is even more likely to be perpetrated by someone the victim knows, and often knows well, than it is in the world at large—one study finds that 90 percent of campus sexual assaults are by people the victim knows.¹⁶ The stereotypical “date rape”—getting raped or assaulted, say during a party, often while drunk—is one variant of this, but a significant proportion of sexual assaults on college campuses are committed by a person the victim has previously hooked up with, or they happen within a more or less committed relationship, or once the relationship has ended, just as is the case in the world outside. A surprising number of college students, too, seem to imagine that, once a woman has had sex with a man, especially if she is in an ongoing relationship with him, she forfeits much or all of her right of refusal or negotiation with respect to sex. Both in the case of “date rape” and “relationship rape” (or sexual assault), the majority of victimizations go unreported.

The damage inflicted by sexual assault can be both severe and disabling. “Victims of campus sexual assault,” writes one specialist, “face potential traumatization—intense fear and emotional numbing, loss of control, and the shattering of their trust and their belief in their ability to make sound judgments about the people and the world around them.”¹⁷ Survivors

15 Carr, *Campus Violence White Paper*; see also Meichun Mohler-Kuo, George W. Dowdall, Mary P. Koss, and Henry Wechsler, “Correlates of Rape While Intoxicated in a National Sample of College Women,” *Journal of Studies on Alcohol and Drugs* 65/1 (January 1, 2004): 41.

16 Karjane, Fisher, and Cullen, *Sexual Assault on Campus*, 2; Bonnie S. Fisher, Francis T. Cullen, and Michael G. Turner, *The Sexual Victimization of College Women Research Report* (Washington, D.C.: National Institute of Justice, 2000), 17.

17 Stephanie Pinder-Amaker, McLean Hospital, “Amherst Consultation Services 2012” (used by permission).

often find themselves unable to concentrate or work and subject to crippling panic attacks and fear of the people around them. It is common for them to self-medicate. Some drop out of school. They are at elevated risk for suicide. None of these things comport with the kind of future students imagine for themselves when they set off for college.

II.A Sexual Misconduct at Amherst College

Like other educational institutions Amherst is required by the Clery Act of 1990 to disclose known crimes on campus on an annual basis. However these figures are virtually useless for the purpose of gauging the incidence of sexual assault. For what they are worth, Table 1 shows Amherst's Clery figures for recent years compared with those of some of our peer institutions. If one did not understand the limitations of the Clery figures, one might think the data are suggesting that Amherst has a particularly acute sexual misconduct problem, especially given its small size. But in reality the figures suggest something quite different.

Table 1 – Clery Reports										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Amherst College	5	4	10	5	3	6	8	5	7	14
Bates College	0	1	1	2	0	0	0	0	0	2
Bowdoin College	0	1	2	0	4	1	1	1	5	7
Carleton College	6	2	3	6	14	3	4	7	4	3
Colby College	1	4	1	3	2	4	0	2	0	0
Connecticut College	2	2	1	4	5	1	2	3	4	8
Hamilton College	5	5	7	5	1	3	4	2	3	7
Middlebury College	2	7	1	2	4	2	3	3	5	4
Oberlin College	7	4	3	3	4	3	1	4	4	7
Pomona College	0	0	1	4	1	3	6	0	0	2
Swarthmore College	3	5	1	0	4	2	9	7	4	1
Trinity College	2	1	1	6	2	7	10	9	6	6
Tufts University	4	13	11	5	6	10	5	8	7	10
Wesleyan College	0	0	0	0	0	0	0	1	0	0
Williams College	4	3	6	2	2	2	2	2	2	3

Because most victims of sexual assault never report the crime, the Clery figures do not actually tell us how many sexual assaults take place on any one campus. They *do* provide a

partial measure of something else: an institution's commitment to fulfilling its obligations under the Clery Act. It is possible that some institutions simply misunderstand the Clery-reporting rules. Some may be utilizing eccentric definitions of particular crimes; others may be defining "a campus" in bizarrely narrow terms.¹⁸ But it is hard to avoid the conclusion that institutions that take the process seriously, that systematically collect and collate data from a variety of sources (rape crisis counselors, campus law enforcement, deans, Title IX coordinators, etc.), and that include anonymous or confidential reports in their annual Clery disclosure, have higher Clery numbers; institutions that do not take the process seriously, fail to coordinate the reporting, or would rather not publicize their numbers for sexual assault, tend to have low Clery numbers. Many very large state universities, ten or more times the size of Amherst College, show Clery figures for sexual assault of zero or somewhere in the low single digits. Some colleges and universities year after year list zero incidents of sexual violence, yet have faced civil actions for millions of dollars for sexual assaults committed on or near their campus. It is to Amherst's credit that we actually do publicly report the cases that come to our attention and have for some years.

A source that gets closer to the question of how many sexual assaults are actually happening on or close to the Amherst College campus is the National College Health Assessment, a comprehensive survey of the health and wellness status, practices and concerns of college students. Amherst College has participated in this project since 2006. In the most recent NCHA survey (2012), 5 percent of Amherst women and 1 percent of Amherst men reported being penetrated without their consent in the previous year. In addition, 9 percent of women and 1 percent of men reported that someone had *attempted* penetration without their consent, 13 percent of women and 7 percent of men reported having been sexually touched without their consent, and 3 percent of women and 2 percent of men reported being in a sexually abusive intimate relationship. Several of these measures were a couple of percentage points higher or lower than the aggregate norm from 2010 of a comparison group of schools similar to Amherst, but these slight differences were not statistically significant. We may reasonably conclude from these data that the incidence of sexual assault at Amherst is at or very close to the norm for elite co-educational four-year colleges in the NCHA cohort.¹⁹

While the *incidence* of assault at Amherst is similar to what it is at other four-year colleges the *reporting rate* may be higher here than at some other schools. Assuming our Clery figures show fairly accurately how many cases get reported to Amherst College authorities, and we believe they do, about 30 to 35 percent of rapes or attempted rapes at Amherst get reported to

18 For the broad view of a campus required by Clery reporting rules see U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting* (February 2011), 17-20. (<http://www.ed.gov/admins/lead/safety/campus.html>, accessed Jan 3, 2013)

19 Figures supplied by the Amherst College Office of Institutional Research.

someone at the school, which leaves 65 to 70 percent going unreported. That is on par with reporting rates for rape and attempted rape in the society at large and higher than at some colleges. Unfortunately most “lesser” forms of sexual assault –unwanted groping, for instance, or threats of various kinds – never come to the attention of school authorities (nor can we assume they are “lesser” offenses to the person subjected to them), so overall the reporting rate for sexual misconduct is almost certainly low.

II.B Characterizing Sexual Assault

Sexual assault cases at Amherst College can only be characterized in broad terms since, for confidentiality reasons, the records were only available to the Title IX coordinator and the chair of the committee, and even then in heavily redacted form with names and other identifiers removed. Our committee did however take the time to speak to members of survivor groups and of the Peer Advocates of Sexual Respect, a student organization that runs an emergency hotline for sexual assault, so as to get information on cases that were never reported to the school authorities. This is particularly important in the case of sexual assault because the low reporting rates raise the specter of reporting bias, meaning that the cases that end up coming to the attention of the authorities may be unrepresentative. The generalizations we make here come from aggregating the data from both officially reported and never reported cases, and are qualitative and ethnographic rather than quantitative in character. They are better at reflecting patterns of rape (coerced penetration) than they are “lesser” forms of sexual assault, because, as indicated above, unwanted sexual touching and the like will often be dealt with informally or not at all and are especially unlikely to come to the attention of school officials.

First, who are the people being subjected to sexual assault? The main group at risk is first-year women, and anecdotal reports suggest that they are especially vulnerable in their first semester. In one group of eight survivors we talked to, *all* of the women had been attacked in the fall semester of their freshman year and at least one had been raped while attending a pre-frosh event. This comports with national surveys of sexual assault on college campuses which show that freshmen are the group at highest risk.

Alcohol is involved in a very large proportion of cases. Nationally nearly three-quarters (72 percent) of rapes on college campus occur when the victim is intoxicated.²⁰ Anecdotal reports at Amherst College put the percentage still higher; some say 90 percent or more of the cases. Typically young women (and a smaller number of young men) were raped or sexually assaulted in dorm rooms or dark corners while they were drunk, often when they were so drunk that they were barely conscious or actually passed out. In other cases victims went to a dorm room with their assaulter, thinking that they were in control of the situation, and were raped or sexually assaulted. Often the perpetrator had also been drinking heavily. Several cases involved

20 Mohler-Kuo, Dowdall, Koss, and Wechsler, “Correlates of Rape While Intoxicated”, 37.

another student entering a victim's unlocked dorm-room or suite and sexually assaulting or raping them when they were passed out or asleep. And a great many cases involved students who had hooked up²¹, before, with a subset of these being people who were actually in a relationship. Typically one of the pair demanded intercourse or a particular sexual act that the other was unwilling to perform, and when refused, simply forced it upon the other person. Some "relationship rape" involved alcohol; some apparently did not.

It is perhaps important, in the interests of maintaining perspective, to note that the vast majority of Amherst students who visit each other's dorm rooms, periodically hook up, are in romantic relationships, or drink alcohol, along with those who do some combination of these or none of them, *are* able to control their social and sexual encounters. The majority do not become victims or perpetrators of sexual assault. However the College needs to take very seriously the minority who encounter serious problems.

Our committee spent a considerable amount of time researching and debating the question of who was perpetrating sexual assault and rapes on campus. One often hears that athletes are the ones responsible, or legacy admits, or members of secret fraternities. Certainly individual members of all of these groups have been implicated in sexual assaults, as have individuals who fit none of these categories. But a closer look at the actual cases suggests a fairly complex picture, and it will probably not serve us as a college to try to pin the problem on a narrow demographic. So for example, one common pattern at Amherst, said to obtain at many colleges, involved sophomore, junior, and senior men who held leadership positions (or simply were members in good standing) of some student organizations. These men appeared to be using the social capital of membership in the organization and the hard-partying socialization process in ways that, at times, shaded over into predatory behavior with respect to first-year women.

We must stress once again that the vast majority of the time the modes of assimilation of first-year students fall short of sexual assault, and many of these socialization practices are probably pretty harmless (though the central role of heavy alcohol consumption does need to be thought about as a problem in its own right). Most first-year women and men successfully integrate into the College community and student organizations. But it also appears that when something goes wrong and a sexual assault does occur, other members of some student organizations or teams, or their friendship networks—including, in many cases, upperclass women—tend to support the perpetrator, whom they know, rather than the first-year student, who is new. Many cases of sexual assault or rape that have come to our attention are followed by attempts at intimidation of victims both by the perpetrator and his or her friends—often people in the same student organization—aimed at keeping the victim from making a complaint

21 To "hook up" as the term is used at Amherst, can mean sexual experimentation but may also include experiments with intimacy more broadly. It does not necessarily mean that the participants have penetrative sex.

or getting him or her to withdraw it if one has already been made. There is no need to name specific student groups here; suffice it to say that the problem is widespread.

Race complicates the situation still further. Many students of color, both male and female, and some international students, believe that the College takes a more punitive attitude toward non-white perpetrators, especially if the victim is white. According to this view, white perpetrators pay for expensive lawyers to get them off, or get the College to intervene on their behalf and are never expelled or even particularly severely sanctioned. Students of color or international students, by contrast, “get the book thrown at them.” It is impossible at this remove to know if this has ever been true, and the records that would tell us are closed or have been destroyed. But it lives on in the collective memory, presumably fueled by present-day racial disparities in criminal justice procedures and sentencing nationally, of which most of our students of color are well aware. This issue should concern us because it probably affects reporting rates among students of color. If you and your cohort believe that students of color are not going to be treated equitably by the system there is far greater pressure not to report. Somewhat similar concerns were voiced by some students in the LGBT community, who were concerned that homophobia might lead some students to misrepresent a verbal proposition as a violent sexual assault, or that the Hearing Board would be inclined to treat allegations about homosexual sexual misconduct more harshly than other kinds. All this suggests that the College needs to be scrupulous in making sure that all procedures relating to sexual assault and misconduct are fair, consistent, and equitable, and seen to be so by the whole community.

Men also get raped and sexually assaulted at Amherst College. There have been far fewer studies of male rape victims than of female, but there is no reason to believe that the potential for damage is any less. Though historically Title IX sexual assault policy began in response to the perception that women’s educational opportunities were being harmed by sexual misconduct and harassment, it is clear that any policy we make today must take account of male victims and their educational opportunities as well.

Sexual misconduct at Amherst is a problem that must be addressed from many angles. First we must think about stopping it before it happens. This is a matter of education and of prevention by other means. We need to be thinking carefully about which groups are most vulnerable and developing strategies that empower them to look out for themselves and others. And we need to pull together as a community to stop or greatly diminish risky behavior. Second we must think about addressing sexual misconduct effectively when it does happen. As a community we need to encourage victims to come forward rather than allowing them to be silenced. We need to think about structures that will help rather than hinder students and others being good citizens. Finally we need to think positively about the possibility of change. There are few surprises when it comes to sexual assault at Amherst and little to distinguish it from any other school. But is being right at the norm with respect to the problem of sexual assault really where we want to be? We believe we can do much better.

III. THE CHALLENGE BEFORE US

III.A EDUCATION AND MENTORSHIP

At Amherst our mission is education and the first response to the problem of sexual misconduct on the Amherst College campus must be an educational one. We are confident that the vast majority of Amherst students want sexual misconduct to end. There is a strong and general commitment to the belief that the culture can be changed, and there is openness in this community to the idea of working together toward that goal. We should take heart from the fact that rates of sexual assault—like other violent crime—are on a downward trajectory nationally. In theory this is an opportune time to try to hasten and capitalize upon that trend in our own small corner of the world.

All that having been said, it will not do to be naïve about the challenges that lie before us. It is notable that, on the national level, there is so far little evidence that most sexual assault training programs are particularly effective in promoting change in and of themselves, though there are some exceptions, and these programs are relatively new. Because sexual assault is an extremely fraught subject, poorly thought-out or amateur educational interventions have high potential to become the subject of caricature rather than result in lasting behavioral change.

One of the main targets of educational efforts is young men, since they are the perpetrators, by most estimates, of 95 to 98 percent of campus sexual assaults. But they are a particularly difficult group to reach and a group that is easy to alienate. Not surprisingly young men are extremely sensitive to being blamed for the problem—even a phrase like “sexual assault training” can turn them off. Well-conceived bystander training may work better than other kinds of training in part because it enlists both men and women in a positive project of looking out for others rather than, at least in the first instance, examining their own sexual behavior.

For all these reasons we think it is crucially important that we plan our educational interventions well. Certainly the expertise of people at the College will be important in tailoring education to our needs, but we also need to look to training programs from elsewhere that have been carefully evaluated by credible experts for their ability to effect change.²² Because sexual assault on college campuses has attracted so much attention in recent years, a number of motivational speakers have emerged who charge substantial sums to come to college campuses and deliver programs or workshops on sexual assault. Some of these are excellent; some much less so. The College should look hard before buying. In sum, if our educational efforts in the area of sexual assault are to succeed, they must become more professional, more creative and more diverse, as well as more extensive.

22 See for example, Victoria L. Banyard, Mary M. Moynihan, and Elizabeth G. Plante, “Sexual Violence Prevention through Bystander Education: An Experimental Evaluation.” *Journal of Community Psychology* 35/4 (2007): 463–481.

III.A.i First-Year Students

First-year students, particularly first-year women, are the group most vulnerable to sexual assault on this as on other campuses. We therefore need to pay special attention to them and think very carefully about integrating them safely, effectively, and happily into the College community. Our committee feels strongly that the College is not utilizing some of the opportunities available to it to intervene with this group before they adopt the somewhat cynical attitudes that sometimes characterize upperclass students. In our recommendations we suggest a number of things—using the First-Year Seminar cohorts, better alcohol education, bystander training, etc.—that could be incorporated into Orientation or into programming in the first few months of the fall semester of the first year.

As indicated above, over the course of the committee's deliberations we became quite concerned about some of the ways upperclass students incorporate first-year students into their social networks and organizations. Far too much of this behavior struck us as more akin to hazing than to responsible mentorship. Too often bringing first-year students into the group involved pressuring them to engage in heavy drinking and other behavior highly correlated with sexual misconduct. Often this pseudo-mentorship did *not* extend to taking a first-year student's side if she or he was sexually assaulted or harassed. We believe strongly that upperclass mentorship of first-year students should be a key part of every student's socialization to Amherst College. But we also think that the College needs to pay far more attention to how this takes place; Amherst should encourage first-year students to expect and upperclass people to apply to these interactions basic standards of good citizenship and respect for others. .

At the Day of Dialogue held on November 2, 2012, a significant number of community members commented on the very positive effects of having Amherst College staff participate actively in the discussion. Among the most common recommendations emerging from that day was that the College should find more ways to integrate staff into the lives of students—in capacities other than serving students' daily needs. This sentiment was so pronounced that it led President Martin to extend the TYPO (Take Your Professor Out) program, in which groups of students host one of their professors at a local restaurant, to staff as well, in a new TYSO (Take Your Staff-member Out) program. This initiative is already being favorably received by both students and staff. We are not sure why this emerged as such an important theme, but we think several factors may be involved. Many of our students say they experience a dearth of adults in their lives who resemble the families they have left behind to come to Amherst. Most professors try to be welcoming, but can seem a bit off-putting to many students, perhaps especially to those young people who have not had a lot of previous exposure to the norms of institutions of higher learning. Another factor is that staff, who tend, by a variety of criteria, to be more diverse than the Amherst Faculty, seemed to many at the Day of Dialogue to have new and very valuable things to say about some of the issues currently facing the College. There was also a strong

sense among many attendees at the presentations and discussions that staff are the invisible group that is always left out of our visions of community, and who cannot be, if those visions are to be fully realized. For these reasons we feel staff, on a strictly voluntary basis, should be enlisted to help create more lasting and healthy mentorship alliances for first-year students, and we hope those connections will prove to be meaningful throughout their time at Amherst and beyond.

III.A.ii Upperclass Students

Education tends to work best when it is undertaken voluntarily. Given Amherst's history as the home of the open curriculum, our committee initially shrank from recommending that any educational efforts be made mandatory, especially for upperclass students. But the problem kept coming up that, when trainings or workshops are held now, only those people who already think that sexual misconduct is an important issue tends to come. There have been many trainings, informational sessions, etc., on sexual misconduct, bystander training, and related topics held at Amherst College in the last twenty years, and they continue to be offered in the dorms and elsewhere on a regular basis. The problem is that few people turn up and one suspects that students at higher risk for committing sexual assault may be even less likely to attend than others are. Therefore our recommendations reflect that reality, and we suggest that some of this programming be mandatory at select points in students' careers at Amherst. We think the College—and in the first instance, the Committee on Educational Policy—should give some close attention to this problem and consider putting teeth into education for sexual respect by making it count for credit and mandatory to graduate.

In the course of our committee's deliberations several new or existing, often student-initiated mentorship programs came to our attention. The Multicultural Resource Center has made efforts in the past to match upperclass mentors with first-year students who are looking for help in negotiating Amherst's social and academic challenges. In the fall a new mentoring organization called AWN (Amherst Women's Network) was initiated by recent alumnae, women in the Association of Amherst Students, and other current students. It has the following initial mission statement: "The Amherst Women's Network will connect, inform, and empower all people who identify, as—and with—Amherst women with mentorship, support, resources, and action through their years at Amherst College and beyond."²³ We think the College should strongly support initiatives of this kind.

In our discussions with staff our committee more than once heard accounts of poor treatment of staff by a minority of our students. Apparently some students feel justified in cursing at and using racial or sexualized epithets to staff, particularly but not only law enforcement personnel who are in the course of carrying out their responsibilities. In the past the

²³ Thanks to Tania Dias, '13, President of the Amherst Association of Students, for supplying this information.

College has tended to turn a blind eye to this sort of behavior and some staff now seem to consider it a routine part of the job. But it goes to the heart of what citizenship, an honor code, and respect for persons really means at a small residential college like ours.

III.A.iii Faculty and Staff

For many faculty members at Amherst College the issues discussed in this report are not particularly new or surprising. We teach about violence, including sexual violence, and social prejudice, their complexities as well as their solutions, fairly regularly. Our departments experience no lack of students to teach, but we too often fail to reach a whole other cohort of students who could benefit from our classes. Many students feel the same way. There were many calls coming out of the Day of Dialogue for something like a diversity requirement. A good deal of the bitterness that many students of color and international students feel about the recent Multicultural Resource Center controversy has to do with a sense that too many white, well-off, native-born students at Amherst never socialize except with other people like themselves, and know nothing and care even less about the challenges that face students from other backgrounds. We do not recommend a diversity requirement (though we do recommend a half-credit, required course on sexual respect: see above). But we do think the College needs to channel more students into taking some of the many courses that touch on difference. Examples are “Introduction to Black Studies,” (Black Studies) the “Cross-cultural Construction of Gender” (Women’s and Gender Studies), “Red/Black Literature: At the Crossroads of Native American African American Literary Histories” (American Studies), and “Queer Geographies” (English). Students should be taking these courses not because it is politically correct to do so, but because these kinds of courses offer nuanced, complex, and evolving views of difficult social problems alongside diverse agendas for change from which any students can benefit. We should be teaching more of our students to understand the world as it is.

One of the commonest complaints voiced by student activists about the Amherst Faculty was the cavalier attitude of some teachers to the problem of trigger-content in their courses. We heard that some faculty members require that students view sexually violent and otherwise disturbing material without either warning them in advance or offering alternatives. The relationship of distressing and graphic movies, readings, and discussion to flashbacks, depression, or other post-traumatic stress responses in survivors of sexual assault is well documented. Sensitive approaches to trigger-content are not attacks on free speech or academic freedom. Faculty members can use any materials they want. It is rather a question of warning students in advance, ideally in syllabi distributed during the drop-add period, so that students can make informed choices. It would also be desirable for faculty members to give students alternatives if they do not want to subject themselves to triggering material. The Faculty should deal with this problem immediately.

Many faculty and staff still do not appear to realize that they are mandated reporters under Title IX if any student reveals information about a sexual assault. Obviously this needs to

change. We also believe that both faculty and staff might benefit from access to bystander training on a volunteer basis.

III.B STUDENT AFFAIRS

We use “Student Affairs” in this report to cover the complex array of offices and activities that deal broadly with the care, nurture, personal and group development, social and living arrangements, and cocurricular activities of our students when they are not in the classroom. For the most part these functions come under the purview of the Dean of Students, but many of them are directed by students and are quite autonomous (student government, for example). By far the most useful way to understand this set of interlocking systems is a proposed organizational chart developed under former Dean of Students Allen Hart. Much of that plan was never formally implemented, but it represents a rational approach to understanding the functions of and organic interconnections among this group of offices and activities that our committee found invaluable. We also use the structure proposed there to organize this section of our report. The four headings into which this section is divided (also followed in the recommendations) are the following:

- Dean of Students Office** (comprising the class deans and administrative functions)
- Student Health** (comprising the Counseling Center, Health Center, and Health Education)
- Student Development** (comprising Student Activities and Student Leadership)
- Student Life** (Comprising Residential Life/Housing, Student Conduct including the Hearing Board, Multicultural Affairs, and LGBT Support)

III.B.i Dean of Students Office

The outside evaluations and our own observations of the Dean of Students Office, coupled with discussions with many constituents across the College and in the Dean of Students Office itself, suggest that the Dean of Students Office spends far too much time managing student crises. This means that the Dean of Students Office plays less of a role than it could in helping to define more positive aspects of the Amherst experience. At other colleges and universities the Dean of Students or equivalent has a much more extensive role in cocurricular activity and building community than it does at Amherst, and we believe that should be true here too. It is especially important that a change of approach in this direction happen now because, if the committee’s recommendations are accepted, the College will need to significantly increase the resources, staffing and attention it devotes to such cocurricular issues as bystander training, alcohol education, and training in issues of sexual respect.

There are many reasons why things have come to this pass. There is no question that one of the reasons is inadequate staffing. Everyone at the College knows how much extra, generally thankless work the Dean of Students Office and especially the class deans do, often on weekends or in the middle of the night, to try to ensure that our students get to class and get in their work. Another part of the reason is inadequate coordination. Many commentators have mentioned the

flat administrative structure of the Dean of Students Office, with far too many people reporting to the dean, and the dean him or herself also acting as a class dean. They have also commented on the lack of clearly defined roles for many of the staff. We also note the pervasive problem—a common one in understaffed offices—of people doing two or more very divergent jobs—clearly reflected in the many people with lengthy, double-barreled position titles.

The Dean of Students Office is likely, in future, to continue to have a key role in working with victims of sexual assault. Many of the provisions of the new Title IX policy deal in detail with the sequencing and protocols for how this should work in the Dean of Students Office and in other parts of the College, and we are confident that that policy has already brought a clarity of purpose to dealing with victims of assault that was not there before. Our recommendations are really meant to supplement Title IX policy by emphasizing some of the philosophical positions that the College shares with the framers of the original Title IX law. The Dean of Students certainly never purposefully set out to disempower survivors of sexual assault, but testimony from survivors suggests that some of the prior policies had an inadvertently infantilizing effect for some. Therefore we stress empowerment. We also want to make sure that staff are well trained, that they keep their eyes on the central mission of making sure our students meet their education goals, and they respond impartially to the educational needs both of victims of sexual misconduct and of students accused of misconduct. And we support the need for better emergency protocols and a professional case manager for students who are at risk.

The Dean of Students Office—and Student Affairs more generally—can and should play a central cocurricular role in helping to effect a cultural shift in relation to sexual respect at Amherst College, and we are confident that the very talented people in that office can contribute greatly to that project. We also think that all sorts of other benefits, in terms of sense of community, respect for persons, and good citizenship will follow. However to achieve these things there is a need for a less ad hoc, more professional, and better resourced Dean of Students Office.

III.B.ii Student Health

Amherst College, like America's other colleges and universities, faces the challenge of rethinking the traditional paradigm that presented emotional and physical health as separate. Increasingly the national dialogue recognizes the two as integrated and challenges higher education to take a more holistic approach to emotional health and well-being. The most recent

data suggest that this integrated approach to health supports child and adolescent resilience in the face of challenges and traumas.²⁴

Emergencies involving sexual assault necessitate an integrated approach to physical and emotional care, as does substance abuse with its many consequences for the individual and others. At Amherst, the Keefe Health Center and the Counseling Center are housed in distant locations (the Counseling Center is down on South Pleasant Street and the Keefe Health Center is a ten-minute walk across campus). Three key functions take place in the Health Center and the Counseling Center: providing basic and some emergency medical services; non-urgent mental health care with some walk-in access; and health education. The current geographic separation inappropriately signals that student health is separate from mental health. In the contexts of sexual assault and substance abuse, separately and as they intersect with each other, this is particularly problematic. The spatial separation of health education and mental health also impedes health education initiatives that address the primary prevention of sexual assault, as well as those that seek to support survivors of assault and educate the community about the problem.

Historically, it was an effort to respect student privacy around mental health care that led to the separation of psychological services from health services. For some students, an integrated health center may be unwelcome. But without moving to this holistic approach we may be inadvertently delivering a more stigmatizing message about mental health: the message that it should be hidden away. We would therefore recommend that a structural redesign collocate psychological and somatic health resources and that any emergency on-call system be a collaborative process between the two.

The recommendations here should in no way be seen as a criticism of the individual clinicians or the care they provide to our students. Rather they are the product of concern about an individualized patient-centered approach, akin to a private practice model, which addresses the needs of the individual without connecting that care to their physical health or to the larger community. The community health center model we advocate offers more systematically coordinated mental health care, physical health care, and health education clearly integrated into the Dean of Students Office, and into the cocurricular and academic life of the College. This approach endeavors to understand and care for the individual as a member of a community, while still preserving confidentiality about what is safely expressed in a therapy session. Amherst College prides itself on the benefits of living and learning in a liberal arts residential college, and this value should be reflected in an integrated approach to physical, emotional, and academic well-being.

The kind of health center we envision might include such cocurricular activities as alcohol and drug abuse workshops, support groups for survivors of sexual assault, yoga, stress

24 On this issue see most recently Roberto Sassi, "Editorial: Focusing on Resilience," *Journal of the American Academy of Child and Adolescent Psychiatry* 52/1 (January, 2013).

management, anger management, and the like. Arguably in a college as selective as Amherst, the eventual pursuit of a life of consequence for our students is most likely to be derailed by issues of emotional and physical health including substance abuse, so they should be a focus of the Amherst College Health Center.

Not all care can or should be undertaken within the integrated health center; in mental health as in other medical realms the best care sometimes requires that patients be referred out. However, more transparency is needed about when and why students are out-referred. Some survivors of sexual assault we talked to said they felt they were being out-referred because the Counseling Center did not care to deal with victims of sexual assault. Counseling Center staff likely intended to deliver the message that some mental health problems benefit from more specialized care than the College Counseling Center could provide. But the fact that this message was interpreted as a rejection is concerning and, it underscores the need for a transparent, consistent, and well-publicized policy for out-referral that students understand.

The Keefe Health Center and the health educators located on site there have provided training in sexual respect, in alcohol awareness, and in sexual health for many years; for example, we were one of the first four-year colleges to experiment with bystander training. One of the highlights of the health education program is its support for peer advocacy groups like the Peer Advocates for Sexual Respect and the SHEs (Student Health Educators). It has also offered support for sexual assault survivors' groups.

The Peer Advocates in particular are one of the College's greatest assets. These students care deeply about the issue of sexual respect and are committed to educating and supporting other students. It is very much in the College's best interests to provide the group with adequate staff leadership, funding and training. It is also essential, we believe, that Peer Advocate programming be better utilized, especially for incoming first-year students and for members of student organizations and athletic teams. Our committee was told over and over again that the Peer Advocates were a crucial part of the College's educational efforts with respect to sexual misconduct, particularly when it comes to education on fraught issues such as how to communicate sexual consent.

Moreover, we note that many "best practices" approaches for dealing with sexual assault place great stress on the importance of peer education.²⁵ Surveys done on this issue consistently indicate that victims of sexual assault tell a friend, another student, or a family member about what has happened before they ever approach law enforcement or a school official.²⁶ Even if the

25 See e.g., NCHA, *Shifting the Paradigm*.

26 L. M.Orchowski, and C. A. Gidycz, "To Whom Do College Women Confide Following Sexual Assault? A Prospective Study of Predictors of Sexual Assault Disclosure and Social Reactions," *Violence against Women* 18/ 3 (April 23, 2012): 264–288.

Peer Advocates' role is primarily educational, it is still essential that they receive the training and support they need to act as informed, compassionate first responders in sexual assault cases. The College should recognize the importance of the Peer Advocates and use them well.

There was, however, some concern on our committee about the possibility that student (peer) advocates might become overburdened. Sexual assault is traumatic, it may be accompanied by suicidal ideation, and requests for confidentiality can easily cross a safety boundary (moreover, peer advocates, too, are mandated to report all cases of sexual assault to the Title IX coordinator). The personal growth of peer advocates may be enhanced in very positive ways by taking on these important roles, but they can also become overwhelming and interfere with their own ability to pursue their educational goals. Our recommendations on this issue reflect our enthusiasm for these efforts and well as this residual concern. We support a robust, well-resourced peer-to-peer education program with equally robust supervision from an appropriate professional.

III.B.iii Student Development

The very positive response to the November 2, 2012, Day of Dialogue suggests that community-wide discussions focused on difficult matters of difference and privilege can help all of us better understand this place in which we live or work. One of the outcomes was a widely-shared sense that opportunities to gather and evaluate our community are too rare and that they are all the more refreshing because so many of us— students, faculty, and staff— live such atomized lives. Perhaps this is not unexpected. We are a community where faculty and staff take their domains very seriously and students are admitted to the College in good part based upon how individuated they are. All of us are told we should be here, but we hear less about how our membership is important to the whole.

We believe that excellence and self-possession should not assume fragmentation. It is reasonable to expect that membership in this community include care and respect for others and that these should be clearly communicated and shared values. A sense of citizenship needs to extend beyond loyalty to one's own office, department, student group, identity, category or friendship network. Where students are concerned, this means carrying expectations about citizenship to every aspect of student life. A student's understanding that he or she must uphold basic tenets of good citizenship should be as clear in a dorm common room as it is at the library, in a student organization, or at a Center for Community Engagement site.

We must all become acculturated to any community we join, including this one we have joined by choice. How might the College take a more intentional approach to student leadership development? We believe leaders of student groups should be better educated about their responsibility to younger people –particularly first-year students—trying to make their way at Amherst College. Even the smallest group or network can unintentionally reproduce oppressive structures of power. The hazing or quasi-hazing practices that govern the social lives of too many

student organizations and friendship networks at the College mark clear pathways to degrading and disrespectful behavior, including sexual misconduct. There certainly are student organizations that do *not* engage in this behavior, which is clearly prohibited by the College's Code of Conduct. But these practices are more widespread than many people realize and are by no means limited to the usual suspects. Our committee's recommendations seek to encourage student groups, including the Association of Amherst Students, to think carefully about the way that they understand and demonstrate respect for others. And we urge the College to intervene aggressively with student organizations that encourage hazing, that deliberately or inadvertently put up obstacles to broad and diverse participation, and that fail to recognize the differential needs and vulnerabilities of other students, particularly younger students.

It is regrettably the case that many students at Amherst feel disenfranchised with respect to student activity funds—and this in an environment of relative plenty (the student activity budget distributed by the Association of Amherst Students is in excess of \$1 million). Given the relationship between a healthy campus social life and the prevention of sexual assault, the Association of Amherst Students has a serious responsibility to model citizenship, respect for persons, and responsibility. Because it is an elected body, and because it is the primary source of funding for student social opportunities and club initiatives, its deliberations, whether public or behind closed doors, potentially affect every student at the College. Though many students feel strongly that their own student groups and affiliations constitute the center of their campus lives, it is clear that the Association of Amherst Students holds a very different structural position from other groups. The bulk of student-driven initiatives, from club sports to social activities, pass through the student government, and it is thus imperative that this group foster a culture of trust and legitimacy. If the Association of Amherst Students is to continue in its capacity as the administrative center of student life, then it must be held to a high standard of transparency, equal access, fairness, and financial accountability.

The need to ensure a culture of trust with respect to student government leads us to the question of fraternities. The undue influence of underground fraternities has been a longstanding issue in the Association of Amherst Students, apparently extending, at times, to its leadership. As has been pointed out, the student government bears much of the responsibility for managing and distributing funds to student organizations. For the system to work, funding for student activities needs to be distributed in an equitable way and students need to believe in the integrity of the process. The fact that all-male underground fraternities can and have gained power in student government on the strength of the "fraternity vote" constrains rather than expands political opportunity and social trust. It may also contribute to the notorious gender imbalance in the Association of Amherst Students Senate (in the 2012/2013 school year, there are twenty-five male senators and seven female ones). The current leadership of the student government seems to be making a serious effort to foster a culture of trust, legitimacy, and inclusion (including the

inclusion of women). But we wonder whether this approach is inconsistent with having underground groups able to wield power there.

The other problem with underground fraternities is their non-status. In fact, from a student perspective, fraternities are very much above ground and quite visible. They possess considerable ability to shape the College's social life—especially its party life—both on and off campus, both in suites and in off-campus housing. Yet their juridical invisibility prevents College officials from enforcing appropriate expectations for student behavior with respect to them, including accountability under the Honor Code. Our committee believes that it is time for the faculty, administration, and Board of Trustees to come to a decision regarding fraternities at Amherst. We do not intend to demonize young men who join fraternities. In particular (given the context of this discussion) it is important to note that we are not saying they are disproportionately guilty of sexual assault; we have no evidence that this is the case. However we do think that everyone in the Amherst community, regardless of where they may physically reside or socialize, must be held to the same standards of good conduct, community support, nondiscrimination and respect for others. As long as the fraternities exist but simultaneously do not exist, they will be a problem.

III.B.iv Student Life

We need a Student Life program that is intentional and systematic in its efforts to be inclusive, considerate, and supportive of all students. It must take a leadership role in creating a community that works hard but also knows how to have fun. And its adjudication processes must be fair and transparent. It is our hope that by restructuring the staff, hiring a progressive and energetic new dean, and rethinking the funding levels and model for the entire operation, these goals can be achieved.

While the staff of Student Life is crucial, this committee also believes that the work of better supporting student life is a responsibility to be undertaken by the whole community, including students, faculty, and staff. Otherwise we unintentionally reproduce students' sense that the academic success about which they care so deeply is separate from enjoyment, that play is somehow divorced from intellectualism, thoughtfulness, and life-long learning. Once on campus, Amherst students acclimate quickly to a "work-hard, play-hard" culture that is both limited and limiting. Work and play are intertwined and, especially at Amherst, they take place in the same spaces. With that in mind, even as our recommendations offer suggestions toward more conscientiously creating and more consistently supporting better opportunities for students to integrate work and play, we also ask that the College better support the structural needs of each: to assure safer and more equitably controlled "home" spaces, and more clearly defined, accessible, and flexible spaces for play.

Taking more comprehensive responsibility not only means offering more diverse and accessible opportunities for social enjoyment, but also better educating students on how matters of difference and inclusion affect those opportunities. It concerns us greatly that institutional surveys persistently suggest that students of color, international students, and low income students do not feel themselves to be as much a part of the Amherst community as other students. This may not be easy to change, but it certainly should be addressed in a direct way in our strategic planning.

Clearly alcohol abuse is an issue of concern at Amherst, but the situation is complex. Surveys by the Office of Institutional Research show that many Amherst students greatly overestimate how much their peers actually drink. This impression might speak to some of the ways in which heavy drinking in a limited variety of social settings is culturally associated with social success, even as many students who prefer to avoid drinking or are ambivalent about the party scene are made to feel even more peripheral to the campus's cultural center.

Heavy drinking as a signifier of social or cultural inclusion also speaks to the phenomenon that so many students ruefully refer to as "The Amherst Awkward." Awkwardness is of course symptomatic of any community constituted by strangers, but the sense that it can be overcome by drinking is repeatedly cited as a contributing factor in the pervasive abuse of alcohol. When excessive amounts of alcohol are added to the play environment, awkwardness is "overcome" by numbness, at the cost, however, of self-awareness.

As this report frequently points out, sexual assault is highly correlated with excessive alcohol use. A culture that relies on a deadening of the senses in order to experience fun is one that also promotes fun as behavior for which one cannot take responsibility. It is also a culture that underwrites particularly risky and dangerous sexual behavior. To be clear, we are not suggesting that alcohol consumption is responsible for every instance of student misconduct, only that in this area we can identify a clear place for productive conversation and growth in student life.

To be successful, student social growth must be supported by a system of policies and rules that support the right of a student to deal with violence in mature and self-responsible ways. When something goes wrong, students are immediately transferred from a world of laissez-faire social policy to one of strict regulation. Our recommendations for student life also speak to the principle that the College's adjudication procedures must be transparent, fair, and impartial. Such processes must be designed to support not only confidentiality, but also the privacy a student requires in what is often a difficult and sudden transition from adolescence to young adulthood.

If the College's policies and rules regarding sexual misconduct are to be taken seriously, they must also be applied with consistency. We note with concern that, in the past, the option has been available to students to privately adjudicate sexual misconduct complaints with the help of

hired lawyers. Moreover, the College has often found itself being asked to enforce such resolutions where it does not have a clear sense either of the facts of the matter or of the propriety, under the College's rules, of the agreed-upon outcome. Sexual assault affects the campus generally, not just the accused and the alleged victim, and settlements arrived at entirely outside the purview of the College are deeply troubling. We also believe that students' differing economic resources may have a serious impact on the outcome of such private resolutions, and that this is neither fair nor appropriate. Even if the ability of one student and not another to hire a lawyer does not affect the outcome of a particular case, it has the appearance of doing so and therefore brings the entire process into disrepute. The College must take steps to stop private settlements from complicating our own processes of adjudication and putting the community at risk.

III.C THE CAMPUS ENVIRONMENT

In recent months the College has begun a series of conversations and assessments of built, not-yet-built, and open spaces on our campus that will include an examination of how these environments both constrain and enable the lives of all of us, especially students. The committee believes that students can make important contributions to this process by offering their views of what constitutes an ideal campus. We support and applaud the inclusion of students in the project of campus assessment. The College should recognize and devote attention to the natural intersections between reimagining student life and reimagining the spaces in which that life takes place. These planning processes seem to us necessarily, provocatively, and imaginatively to go hand in hand.

As we contemplate new spaces and reimagine social structures at the College, we believe there is a more immediate need to make better use of existing spaces on campus. We are enthusiastic about the process that is currently under way to examine the College's existing facilities, with the primary aim of repurposing spaces to enhance student social life. The use of LeFrak Gymnasium as the venue for an all-campus meeting this fall contributed to the realization among many members of the community that we could gather ourselves in a single large, if not ideal, campus space. The experience also led to the impression that athletics facilities are being underutilized and could be used more often for a variety of events. The all-campus gathering this fall also made creative use of multiple indoor gathering spaces for small groups and, importantly we think, of a large tent and speaking platform for an end-of-the-day speak-out with attendees, including the president, participating.

We believe that these approaches and experiences offer the seeds of ideas for the imaginative use of spaces for campus gatherings that could become models for such events in the near term. Imagine the fall of 2013 arrival of first-year students. Their impressions of our campus and its social life, and of the way in which they will be expected to conduct themselves in social settings, will be formed through experiences during their first few weeks and months here. What if the first few gatherings, concerts, speak-outs, were held under a large and seasonally permanent structure on the main quadrangle, in the middle of the freshman living space? At night this oversized tent, containing a sound system and stage, could be well lit and inviting. Impromptu gatherings—or those planned and designed by student groups—could be held nearly nightly, but most certainly on weekends. They could be open, inviting, interesting, and not reliant on alcohol. There would be no need to be drunk in order to escape the Amherst Awkward feeling.

Among these events could be large-scale poetry slams, small concerts, outdoor movies, recitals, dance lessons, and the like. If these are the kind of activities in which the next generation of first-year students participates when they arrive on campus, their experience would be very different from that of new students in prior years, who have been “welcomed” with a

dimly lit party scene; they have either participated in these potentially dangerous events or have tried to avoid them by isolating themselves. Neither response is desirable.

Large open spaces in which social events regularly occur in the evenings, and, perhaps, during a campus common hour, may encourage and foster cultural change. At the very least, we think that making such spaces available for socializing will help students to evolve and sustain new and more creative modes of play. We heard from students and others a desire to reinvigorate past traditions and to create new ones that enrich their Amherst experience. We are not in a position to say whether a nightly event on the quad is the answer, but we support the creative use of campus spaces in ways such as this to encourage a vital and safe social life for students.

III.D FUTURE RESEARCH

2015 will be the fortieth anniversary of co-education at Amherst College. In many ways women have integrated successfully into the school. They are admitted in equal numbers with men, they do well academically, they participate in many student organizations, they excel at sports and they play important roles in the life of the College. Many of them go on to do well after they graduate. In the meantime the faculty is fast reaching parity between men and women and some academic department are now majority female. It does not seem at all odd that Amherst now has a woman president.

But perhaps in congratulating ourselves for how well things have gone we forgot to check whether we were getting the whole picture. If so we were not alone. It is fashionable today to imagine that everyone is equal now, and nothing more needs to be said. And in truth many things have changed, not just at Amherst but across the land. But there are certain persistent problems that cloud the landscape, one of which, sexual assault, has been the focus of this report. There are others. Princeton University recently published a study of women in undergraduate student leadership that is getting a good deal of attention across the country. It shows a persistent dearth of women in student leadership positions at Princeton University and makes the point that this problem is actually worse now than it was a decade or so ago. It also shows that this is an issue in many other institutions (Amherst College was one of the other institutions contacted for that study).²⁷

Unfortunately diversity and gender balance are not things that can be achieved once, after which all the problems of inclusion, belonging, and the like all permanently go away. Rather these things must be worked at and then maintained. We feel that there are ways that Amherst has failed to do this, not just with women but with students of color, international students, and low-income students. In our recommendations for future research we want to encourage the College to reaffirm its commitment to these groups by incorporating them more proactively into its research protocols and its planning.

²⁷ *Report of the Steering Committee on Undergraduate Women's Leadership* (Princeton, NJ, Princeton University, 2011).

IV. RECOMMENDATIONS

IV.A. EDUCATION AND MENTORSHIP

Our aspiration should be to build and foster a community that places the highest value on the practice of good citizenship and respect for persons. Encouraging a culture of respect will require earnest efforts by the College to make all of our constituencies feel a part of the dialogue.

IV.A.i First-Year Students

1. The president's annual welcome talk for new students, and other programming during Orientation, should routinely address issues of respect and citizenship.
2. The College should involve more upperclass students in the Orientation process and should provide training to them that conveys the difference between healthy and unhealthy mentorship. Peer-to-peer mentorship programs developed, or under development, at other institutions may prove useful as models.
3. As the only required course at Amherst, the First-Year Seminar (FYS) offers an opportunity to engage in more in-depth discussions of issues than can typically take place within short-term training experiences. We do not recommend that the FYS program be given over in its entirety to teaching about respect for persons, diversity issues, and (often) sensitive subjects related to sexual respect, but we see significant advantages to having experts provide cocurricular mandatory training on these issues through the FYS cohorts, because students in these classes already know each other. Such an approach would not, of course, preclude faculty from focusing on related topics through their seminars, as they have done in the past. The FYS Committee and Committee on Educational Policy could be asked to weigh in on this proposal.
4. Workshops on sexual respect, the College's honor code, the role of poorly managed power differentials in fostering sexual misconduct, and ways to negotiate the party-scene and pressures to drink to excess should be mandatory for all first-year students. Bystander training should also be a part of these programs. As far as possible, these should be tested training programs that have been shown to be effective in the college context.
5. The College should consider creating mentoring and fellowship groups for students. Made up of students, faculty, and staff, these groups could start in the first year and accompany a student through his or her time at Amherst.

IV.A.ii Upperclass Students

1. The Committee on Educational Policy and the Faculty should take up the question of adopting as a graduation requirement for all Amherst students a pass-fail, half-credit course focusing on issues of sexual respect that may also include bystander training. This course could potentially be offered during Interterm.

2. We believe strongly that there needs to be more directed attention to leadership and citizenship training at Amherst, especially for student leaders. Some of this has already begun at Amherst. The committee was impressed by the Amherst LEADS program, currently only available to student athletes, which addresses topics such as accountability, responsibility and respect, second layer and young member leadership, and effective mentorship of younger students. A program like this one could and should be extended to the wider student community.
3. More attention should be given to integrating the honor code into cocurricular and other education and mentorship programs. If necessary, the honor code should be revisited, with a view toward encouraging students to take more ownership of the ideals reflected in it.
4. Student-run and/or -initiated mentoring and education efforts should receive more support. The College should encourage programs in which men educate other men about how to practice sexual respect in their own lives and encourage it in others, and programs that work to instill in young women greater personal agency with respect to intimate relationships.
5. Greater attention needs to be paid to education in the dorms, with a focus on leadership, community-building, and bystander training by and for residence hall staff, and by and for students. Given the often low attendance at many training sessions focusing on these topics, the College may want to consider making this training mandatory for upperclass students.
6. The College needs to pay more attention to the flagrant disrespect toward staff members, especially but not solely law-enforcement officers, displayed by some Amherst students. Respect for persons needs to be understood to include everyone at the College and beyond, not just everyone *except* people on the Amherst staff.

IV.A.iii Faculty and Staff

1. The Amherst Faculty includes a number of scholar-teachers who are nationally or internationally recognized for their work on issues to do with sexual and racial violence, the injuries of class, the history and sociology of sexuality, questions of identity, etc. Many of our courses also deal with these topics. Curricular opportunities to explore gender, sexuality, and identity should be communicated more widely to students than they currently are.
2. The Faculty should consider passing a resolution that lays down ground-rules for how to sensitively present content in their classes that may trigger post-traumatic stress, flashbacks, depression and other reactions for students who have experienced trauma. The problem of trigger-content should be openly acknowledged, and the College should commit to educating faculty members about it.

3. Faculty members need to be actively educated and frequently reminded about their duty to report to the Title IX Coordinator cases of sexual harassment and misconduct that come to their attention.
4. Bystander training should be made available to all faculty and staff on a voluntary basis.
5. The College should create more opportunities for staff and students to interact. The recently created Take Your Staff-member Out (TYSO) program is a good first step.
6. The College should organize more campus-wide events that focus on issues of collective concern, such as, but not limited to, sexual respect and respect for persons.

IV.B. STUDENT AFFAIRS

IV.B.i. Dean of Students Office

1. The Dean of Students Office should be reimagined and recast to ensure that it takes a leadership role in cocurricular education and community building.
2. The flat administrative structure of the Dean of Students Office, with many staff reporting to the Dean of Students, needs to be rethought and perhaps replaced with a portfolio model. New structures and approaches should be developed to re-establish the office as more proactive, less crisis-driven, and as a force for cocurricular change.
3. The roles and responsibilities of Dean of Students staff, the reporting structures within the office, and its procedures and processes must be defined more clearly than they have so far been. Attention should be given to developing clear chains of command and job descriptions for all staff, and to ensuring the coordination of functions.
4. Additional resources, including more staff and more space allotted to basic functions, should be provided, especially in the central Dean of Students office.
5. In its work surrounding sexual assault, the Dean of Students should focus above all on empowering victims and giving them (as far as is compatible with the law and College safety) choices as to how to proceed. All Dean of Students staff should be carefully trained in appropriate protocols for dealing with victims of sexual assault. The College should be flexible in extending accommodations to victims of assault to facilitate their educational goals.
6. The College should hire a professionally-trained case manager capable of dealing with the complex needs of students at risk and students in crisis.
7. The Dean of Students must offer equitable support to students accused of sexual assault.

8. The Dean of Students should take a leadership role in overseeing the student honor code, including educating students about their responsibilities as members of the Amherst community. This work must place issues of sexual respect within the larger context of the College's educational mission, community responsibility, individual good citizenship, respect for others, fairness and the safety and the well-being of all.

IV.B.ii Student Health

1. The College should adopt an affirmative vision of wellness and a coordinated approach to meeting students' health needs.
2. Coordination and communication among the personnel and offices concerned with student health, especially the Counseling Center, the Health Center, and the Dean of Students Office, must be improved.
3. In the area of student health, as well as others, our recommendations clearly indicate a need for the commitment of additional resources and increased professional leadership. We believe investment in such resources is, simply, essential.
4. The College should consider merging the Health Center and the Counseling Center into a single integrated Wellness Center, ideally in one location.
5. The College should consider changes to the Counseling Center that would enable it to meet the standards for accreditation.
6. The structure and approach of the Counseling Center should be reimagined so that more services are available to students 24/7. More of the emergency management in the area of student mental health should be under the purview of the Counseling Center, relieving the Dean of Students Office of some of this responsibility.
7. The Counseling Center should develop a clear, consistent, and well-publicized set of criteria for out-referring students. The aim should be the best available care.
8. The Counseling Center and Health Center need to provide care to survivors of sexual assault that is comprehensive, humane, and informed by the latest research. At the same time, care should be detached from legal/advocacy support to survivors. The latter should be entrusted to staff within the Dean of Students Office so as to avoid real or perceived conflicts of interest or the appearance of limiting student choice with respect to care. These efforts should be coordinated only when the survivor has requested such coordination.
9. More staff and resources should be allotted to cocurricular education, training, outreach, and research on issues surrounding sexual assault, healthy relationships, and the use and misuse of drugs and alcohol. The Health Education Program has done training in this area for some

time, but with a very small staff. It could do even more with enhanced resources. The Counseling Center should assume a more central role in cocurricular activities and group programming than it currently does. Care should be taken to use the most up-to-date training methods, ideally methods that have been evaluated as to outcomes.

10. The College should explore further Five-College collaboration with respect to meeting the need for emergency hospitalization. There is currently a dearth of such options and such a facility could potentially be an important resource for students who have been sexually assaulted.
11. The College should provide better training and support to students engaged in peer-to-peer educational efforts in the area of sexual assault and sexual health. Their role is an important one, but it should primarily be in peer education and not in providing direct services to victims. Mindful of the fact that the two can never be completely separated, however, the College needs to take special care of the health and well-being of peer advocates.

IV.B.iii Student Development²⁸

1. The College community should take a more intentional approach to student leadership. The relationship of leadership to citizenship, and citizenship to care and respect for others, should be explored and emphasized.
2. We should devote some attention to the role that power differentials of gender, class, race, and class-year play in the dynamics of student groups; ways of mitigating the negative effects of these imbalances should be explored. We see potential benefits (in terms of leadership) from acknowledging that these differentials exist and that they place those in more powerful roles in a position of responsibility to help educate, and protect others. Consideration should be given to holding a leadership summit for student leaders each year.
3. Student organizations, starting with the Association of Amherst Students (AAS), should take steps to move toward greater gender balance in their leadership and also look for other ways to be inclusive.
4. Student organizations should look closely at the way they integrate new members, particularly first-year students, into their activities and social networks. Leaders of student groups should be well aware of the dangers of hazing and of the ways that hazing-like

²⁸ In the Student Development and Student Life sections (Sections IV.B.iii and IV.B.iv) there were recommendations that individual members of the Committee objected to or disagreed with. Therefore in these sections the recommendations represent positions reached by majority vote instead of by consensus. They should not be read as representing the views of all members of the Committee.

practices, especially when fueled by alcohol, can easily degenerate into degrading and disrespectful behavior and sexual misconduct.

5. Students who apply for funding for student activities should be required to undergo training on responsible alcohol use and bystander responsibility as a condition of receiving College funds.
6. The College should hold with regularity community-wide discussions of the ways in which race, class, gender, national origin, and sexual preference present opportunities, as well as obstacles, for achieving a quality education in an open and welcoming climate.
7. The College should review the procedures for allocating funds for student activities. An important question to consider is whether to continue a system that gives the AAS autonomy in managing and allocating the large amount of funding generated through student fees. Whether or not the current allocation system continues, frequent program and expense audits of AAS spending should be done as a matter of course, as is the case with all other College or College-related units.
8. The proportion of student fees that is earmarked for the operations of the AAS should also be reexamined. Having the College allocate some of these fees directly to programming that benefits the whole student body, or the entire College community, may build community more effectively and be fairer and more equitable.
9. The Board of Trustees should comprehensively visit the issue of whether underground fraternities should be permitted to influence the social life of Amherst students.

IV.B.iv Student Life

1. The Office of Residential Life should be provided with additional resources to design and implement vibrant residence hall-based programming that fosters a sense of community. These resources may include additional staffing, funding, and professional development opportunities.
2. The College should increase the profile of the Multicultural Resource Center and the Women's Center and provide them with more support. Both centers need to play a more prominent role in the life of the College. A more concerted effort should be made to involve faculty members in the programming and administration of the centers.
3. Support for the Rainbow Room (the LGBTQ Resource Center) should be increased, and faculty members should be encouraged to become more involved in its programming.
4. It concerns us greatly that institutional surveys persistently show that students of color, international students and low income students do not feel a part of the Amherst community

to the degree that many other students do. There are no easy solutions to this situation, but we think that attempts to better educate all our students about issues of disrespect may have some benefit. We are hopeful that the new Provost will help the college address these issues in a comprehensive way.

5. We support the creation of a separate disciplinary board for sexual assault cases, as has already been recommended by the Title IX Committee and operationalized by the College administration. We support the use of outside investigators and urge the relevant College committees to proceed with other changes
6. Adjudication procedures should be fair and impartial and designed to protect the privacy and limit the interactions of the complainant and the accused with one another, whenever possible. This means reducing the involvement of faculty members and other students in the adjudication process.
7. Allegations of sexual misconduct are too serious, and involve too many risks to other students and to the College as a whole to be well suited to private resolution. Therefore the college should not condone, support, or administer private settlements arrived at outside the ordinary disciplinary system. Nor should outside counsel be permitted to participate in disciplinary hearings for sexual assault.
8. Many reports of sexual misconduct on campus involve alcohol. We commend current efforts to reduce ambiguities in the College's alcohol policy and encourage alcohol education. The College might also consider looking at the policies of some of our peer institutions, who have been experimenting with stronger open-container policies and more controls on hard liquor.
10. The College should consider opening at least one bar on campus. Establishing a space that is conducive to mature and responsible drinking would be a positive step; it would also help to create some distinction on campus between legal and illegal (underage) drinking.
12. More over-21 programming should be provided or encouraged that models responsible alcohol consumption.

IV.C THE CAMPUS ENVIRONMENT

1. The College should engage students in planning processes in which they are asked to envision what their ideal campus community could or should look like.
2. Amherst should make use of campus spaces in new ways, or create different spaces, to support campus-wide gatherings outside the formal academic setting.

3. Traditions should be renewed, or new ones established, that bring students together in a spirited environment for the purpose of enjoying the community of which they are the core and to have fun. A close community aware of its common values should enhance and promote a safe environment. We sense from conversations with students that they are eager for these community-wide activities.
4. Amherst might consider instituting a campus common hour during which cocurricular events are held and no classes are scheduled.

IV.D FUTURE RESEARCH

1. Consideration of the effects of gender and race should be more fully and consistently integrated into Institutional research protocols and reports. The Office of Institutional Research should strive to provide a comprehensive understanding of the ways in which the experiences of sub-groups at Amherst College diverge from those of other students. In addition, a senior operational officer of the College should be charged, on a routine basis, with acting on these findings and incorporating them into plans to improve campus and academic life for all students.
2. The College should consider convening a committee to research the status of women students and women's leadership at Amherst.
3. The College should continue its review of the role of alcohol at Amherst, perhaps in tandem with peer institutions concerned about this issue.
4. The College should launch a comprehensive review of its built environment that focuses on the ways Amherst's facilities are and are not meeting the current and changing needs of students, staff, and faculty. This review should not be confined to purely instructional needs but should consider the fact that, on average, students spend 85 percent of their time outside of the classroom.

APPENDIX - CHARGE TO THE COMMITTEE

Special Oversight Committee on Sexual Misconduct

Charge

The Special Oversight Committee on Sexual Misconduct is charged with making recommendations to President Martin for improvement in the College's efforts to prevent and address sexual assault on campus, and to advise the President as she seeks immediate changes. Those recommendations will be shared with the Board of Trustees at the January 2013 Board meeting. The committee will consider the following five key areas:

- **Campus environment:** taking stock of Amherst's campus culture, and identifying ways that it impedes or facilitates sexual respect among students.
- **Resources:** examining the structure and mission of Amherst Student Affairs, and making recommendations for how to restructure and redistribute its resources. This includes the Dean of Students office, the Health Center, and the Counseling Center.
- **Education:** recommending improvements to Amherst's sexual education programs, to better promote gender equity and healthy sexual behavior on campus.
- **Recent history:** distilling lessons learned from recent instances of sexual misconduct at Amherst, as well as from the experiences of other institutions.
- **Policy and Title IX:** providing a summary of recommendations for policy changes throughout the school, including those associated with Title IX.