

Rape policy does not lend itself to simple resolution

University's rape policy reviewed to serve justice and truth.

The recent article ("Rape: Do policies protect all", Feb. 6) and associated editorial ("University should review rape policy", Feb. 6) on university sexual assault policies

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requires a response. The University has a comprehensive policy that combines prevention programs, victim support services, a commitment to prompt and vigilant investigations, and judicial processes that address such matters with careful inquiry. I would not want your article to dissuade individuals from reporting such crimes and taking full advantage of these processes. Rape is a brutal crime that requires our utmost attention. Allegations of any form of sexual misconduct should be vigorously investigated and addressed. Although the University system decides a student's status within our community, we recommend that a victim always consider pursuing the matter in the courts as a criminal matter and also as an action for civil remedy. The

University hearing process in such matters "is not meant to address grievances between parties who come before it, but only between the accused student and the University." (*Student Handbook*, pg. 83)

Both federal law and corresponding University policy preserve the confidentiality of student judicial records. We cannot speak about individual cases. That being said, sexual assault victims experience significant trauma associated with such crimes, and accused students found "not responsible" could bear a lasting stigma associated with the charge alone. When a victim chooses not to invoke criminal and civil remedies, the University is placed in the unusual position of deciding a case without the powers attendant to a court in securing and evaluating evidence and enforcing its orders. It endeavors to fulfill its responsibility to discover the truth and serve the best interests of students and the University community in ways that encourage a full and fair examination of the facts. Such inquiries are frequently exhausting for all parties concerned. Hearings can often last for days. The cases are often murky and rarely susceptible to easy resolution.

The university's hearing practices in sexual assault cases and felony cases are different from ordinary practices that students encounter in the judicial system. See "Hearing Practices for Students Before University Officers," *Student Handbook*, pgs. 82-84. These procedures resulted from an extensive

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study of such practices many years ago, motivated in part by PREPARE concerns that the student judicial system was ill suited to handling allegations of such gravity. An outside consultant has reviewed our processes and practices involving sexual assault cases. After each case University officers associated with the system review the case to determine if any changes in practice should be considered to make the system more accessible, responsive, and fair.

The process allows the hearing officer to request up to four students, faculty, and administrators to assist in hearing the case. In every case the hearing officer has used such a panel. Panels are usually composed of two students, one faculty member, and one administrator. The panels have always been equally divided between male and female members. People are chosen who have direct knowledge and experience with our judicial system. Often students have been PREPARE facilitators. Hearing officers have attended training programs on the subject of sexual assault and the handling of such cases.

Our system is not an adversarial one. The panel members question witnesses first and then the victim's advocate or advisor may ask questions for purposes of clarification. Sometimes, the alleged victim or the accused student may ask questions. Often, medical evidence is presented, but such evidence must be interpreted by a trained medical professional who is subject to questioning. Such evidence may not present definitive answers about whether sexual intercourse was consensual or non-consensual, although it is always considered very important. All evidence must be weighed in reference to the circumstances surrounding an event and the testimony of witnesses who may have observed the conduct of parties – immediately before, during, or immediately after the event. The demeanor and credibility of witnesses also plays a role in trying to piece together the facts. Finally, the hearing panel and officer must be persuaded that the charges are true in order to find the student responsible for the conduct charged.

Contrary to representations made in the *OGB* there is no specified "burden of proof" that resembles legal standards. Each member of the panel must finally be satisfied with their interpretation of the facts. In its deliberations the panel endeavors to test every possible hypothesis and evaluate every piece of evidence to arrive at its conclusion that it is persuaded that a charge is true and that the accused student

is responsible. In every case that I have served as a hearing officer, the panel has unanimously agreed on these questions, although they have occasionally differed about sanctions when responsibility has been found.

It would be hard to devise a process for deciding such cases that satisfied all parties. No matter what the outcome, one party will claim that justice was not served. Stories often differ and observations are often clouded. Judicial resolutions cannot heal the injured nor can they restore the reputation of the accused. Those who take part in such deliberations are indelibly affected by what they hear about campus life. They lament the confounding nature of such circumstances, and they often wish that some greater and more perfect force for justice could intervene to resolve it. Such situations are always tragic. Yet, as I have observed the careful, serious, and dignified manner in which our colleagues have struggled with these issues and challenged each other, I have come to appreciate the goodness of people who want to do the right thing for the university and its students.

We long for an end to the scourge of sexual misconduct on campus. In this "Rape Awareness Week" we especially need to dedicate ourselves to seeing that it ends. All of us should look deep within our conscience and ask if we can create a better climate in which to live, learn, and love one another.

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Tax cuts cause injury elsewhere

U.S. tax burden is blown out of proportion, keeping other important issues out of the light.

Philosophical morality generally only mucks up the positive sciences of economics and politics. Though abstract moral arguments about the common good are sometimes unavoidable, our capitalist democracy is designed to align self-interest, the common good and empirical realities as painlessly as possible.



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OLD GOLD AND BLACK COLUMNIST

Unfortunately, neither men nor markets are perfect, and two of the three are sometimes in conflict.

Even more common than an actual conflict is a perceived conflict between self-interest and societal good. In real terms, this is often framed as tax cuts versus some sort of welfare expansion, though the conflict can also be between two different government programs. The need to pay taxes to a centralized government for defense or other public goods that we clearly cannot provide for ourselves is obvious to most.

Though people may fight over the specific policies of the Pentagon, few would argue with its existence. The number of those who question the need for the departments of education, health, environment, etc., is much greater. Their argument is sometimes couched in the "morals" of free market economics; however, after the rhetoric, the question comes down to this: Why should I pay for others seemingly at the expense of myself?

The problem is that this zero-sum conception of self-interest is far too narrow. I am not referring to the argument that casts welfare programs

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as an "opiate of the masses" whose only larger value is to prevent crime and anarchy. Though this argument is not totally without merit, the implications for humanity and democracy are troubling enough to make one avoid it.

Instead, I mean that even costly social welfare programs have important positive consequences for all of us that we often take for granted in modern times. For example, the cost of providing free immunizations to poor children does not deprive one's own children of medical attention. Instead, such programs administered by the health department actually help us all by preventing epidemics and ensuring a healthier labor force. It's been so long since entire communities were paralyzed by measles that we have collectively forgotten how horrible such outbreaks are for everyone. If we continue to cut spending and run up deficits, we may soon be reminded.

Similarly, high-quality public education is not simply for the personal future benefits of the students. If we want to continue to live in a productive democracy, we must have intelligent, informed voters. Thus, even those of us who attend private schools or do not have children receive far more benefits than the costs we incur paying for democracy.

In order for America to work well, we need millions of smart, healthy citizens. The tax burden that Bush loves to complain about has consistently been one of the world's lowest. If we continue to irresponsibly cut taxes, we are going to give up the health and well being of our nation for the equivalent of two pairs of designer shoes per person.

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Diversity a very complex issue

Many questions must be answered before progressing.

I would like to use a quote by Marcus Ingram contained in Alex Reyes's article ("Diversity: No simple solution," Feb.6)



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as a point of departure for this column. In its simplicity, it points out precisely the complex problem both Wake Forest and this nation have with diversity. "It makes it more difficult when you view diversity as an issue, as a problem you have to solve. If you view it as a goal, it is much easier to make an effort, and thus progress."

The enormity of this quote raises several large questions. Do we have a diversity "problem" per se at Wake Forest? Based on the large amount of rhetoric on the issues, the numerous committees formed to investigate and the student-led discussions on related topics, I think the answer must be yes. However, clarification of this "problem" is what constantly proves intractable. There is a systematic failure to properly frame and define the discussion, though taking Mr. Ingram's suggestion would be a good starting point.

Secondly, though it has equal importance, what is meant by the term diversity anyway? The plethora of meanings it can possibly have further muddies the water. When referencing diversity, does the university purport to be working towards racial diversity, ethnic diversity, socioeconomic diversity or all three at once? Because the three are neither mutually inclusive nor exclusive, it is imperative that clarification takes place immediately. By the sheer cost of a university education at any institution, socioeconomic diversity must be attained in a different manner than the fight for ethnic diversity, which has its roots in a wholly different set of circumstances.

Taking from Mr. Ingram again, a further dilemma is accurately trying to define the

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"goal" of diversity. Changing the label from problem to goal does little if the strategies in attaining that goal are little more than solutions to the old problem. The same article quoted that diversity was at an all time high this year, resting near 14 percent. Nonetheless, this figure was not quantified by a descriptor of what there was actually 14 percent of. If that figure is the percent of African Americans on campus, which I doubt it is, Wake Forest has certainly accomplished a large goal, considering that percentage is slightly higher than the equivalent percent of African Americans in the U.S. population. Or does this figure represent the percentage of students from low-income families? Notice the problem interpreting "diversity" when neither the variable nor a goal is defined.

Many academics in the past 30 years have commented on the intrinsic values of having a diverse student population, through which informal learning can occur – sharing of previously foreign experiences, building new bridges and so forth. Even Supreme Court Justice Lewis Powell, in his opinion in *Regents of the University of California v. Bakke*, commented that even though his opinion struck down quota systems, racial diversity in higher education is still a noble goal. Yet the methodology as to attain this goal has always been questionable.

Before reading Mr. Ingram's excellent quote, I read with caution in the same article after reading this phrase: "aimed at improving diversity on campus through the application process." The overtones of a possible affirmative action policy are not implications that should enter a discussion on legally realizing the goals of diversity. Again, we arrive at the

question of goals. If the focus is the application process, at what stage is more emphasis needed in order to achieve more diversity? Current statistics must be analyzed to determine whether the university even receives an adequately proportional number of minority applications. Depending on those findings, the university must then center its recruitment in one of several directions. If the number of applications is adequate but the quality lacking, the university must recruit in a different manner than if minority applications were intolerably low in general.

Goals and legality obviously play a part in this process. Is the university looking for the same proportional acceptance rate between minorities and whites? Does the university want a student body that reflects its application pool or the U.S. population? For that matter, should race or ethnicity factor into the application process at all? There are too many unanswered questions to constitute a coherent policy at this point.

Then again, once we have achieved Mr. Ingram's goal of diversity, however that comes to be defined, there is an even greater problem to combat: engagement. Racial separation on campus is nearly as prevalent as the lack of diversity itself. What good will diversity do if it results in nothing other than having various ethnicities congregating without interacting? Though it may satisfy the conscience of some, propped up by the belief that they solved the problem, it is possible that the problem was exacerbated, leaving an even more entrenched one.

I hope the committee on race relations and any other campus group dealing with this issue realizes its enormity and complexity.

First, it must define the problem and its key terms. Second, it must create goals that can be reached legally and with some rapidity. Third, it must create a campus environment that fosters the ideals of this newfound diversity. Justice Earl Warren never said the process toward complete integration would be painless when he issued the majority opinion in *Brown v. Board of Education*. Only now are we beginning to see how hard it really is.

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