

The Pendulum

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Elon College



How about those doughnuts: Chris Swan, Ben Kaiser, and Karen Moriority (l-r) discuss politics at college coffee.
Photo by Nicol Husemeier

Pointing the finger

Colleges can be charged in rape cases

by Kathy Meadows
Editor

fourth in a series

When a rape occurs, even on a college campus, the person usually blames if the one who committed the crime. However, the college may also be held up to legal responsibility when a sexual assault occurs.

According to *Sexual Assault on Campus: What Colleges Can Do* by Aileen Adams and Gail Abarbanel, when a former student at the College of Charleston was beaten and raped in her dormitory room, she received a \$225,000 settlement from the institution. A state investigation of the assault showed that the college's security force had serious deficiencies in training, equipment, manpower, and morale.

In an era where more women are becoming victims of sexual violence on college campuses, it's possible that there will be an increase in the number of lawsuits involving the institutions. Because of this, Adams and Abarbanel say the

courts seem to be recognizing the responsibilities of the schools.

A review of legal cases show that courts have considered several questions when deciding if a university is liable for a sexual assault committed against one of its co-eds. Adams and Abarbanel list the following in their book:

***Was the assault foreseeable?** In evaluating this, courts often review evidence of previous incidents on the campus and consider whether the assault took place in a location where crimes have occurred or are likely to occur.

***Are the security measures utilized by the campus reasonable under the circumstances?** Courts often evaluate whether the campus took reasonable security measures to prevent crimes such as adequate numbers of security guards, effective locks on doors, sufficient lighting, and prevention programs to meet custodial responsibilities.

***Did the campus warn students of known dangers?** Many suits are alleging - and courts are upholding - causes of action based on

negligent misrepresentation by the college or university that the campus was reasonable safe and that no unusual steps needed to be taken to ensure protection from violent assaults. As courts consider the question of misrepresentation, the implication is that those schools that don't advise students of known dangerous situations may run the risk of increased liability.

***Did the campus meet the standards required of landlords if the student was attacked in campus housing?** Since many campus rapes take place in student dormitories or other housing provided by the college, facilities may be held to the standard of care required by each state in landlord-tenant cases. In recent years, the landlord-tenant relationship has given rise to liability under circumstances where landlords have failed to take reasonable steps to protect tenants from crimes. Across the country, landlords have been held liable for not informing tenants of known dangers, not providing adequate locks and lighting, and misrepresenting safety conditions.

Vandals at large

\$7,000 in damage to recent art display

by Janet Bradshaw
Staff Writer

Last Friday between 3:30 a.m. and 4:50 a.m., vandals swept through Elon's modern art display causing approximately \$7,000 worth of damage.

The vandalism was uncovered by Sgt. Hardin of the Security Department and reported to the Elon Police Department at 10:45 a.m. on the 28th.

Terry Creech, head of Elon security, said that security is working, as well as the police, to try and uncover the culprits. "We're sort of at a stand-still right now" said Creech.

Elon Police Officer Woznick was the one who took the call from Sgt. Hardin. After investigating the vandalism, his report showed two art pieces needing repairs, the "Rabbit Trap", estimated at \$2,500

worth of damage; and "Sailing Away", estimated at \$4,500.

Three other pieces were tampered with, two tipped over and one thrown in the fountain, but none of these three sustained real damage.

According to Police Officer Lloyd, "As of right now we have no leads, but we're working on it."

When asked if this is the first time the art work has been tampered with, Lloyd said, "As far as I know it is."

However, Elon Security Guard Chuck Collard said, "Every one of the pieces has been vandalized to some extent."

Since the art work has arrived at Elon it's been a topic of controversy. Many say it doesn't fit in with the atmosphere of the college and it should be removed. It appears the art work is no longer just conversation, but a target for destructive vandalism.

Maynard house donated as president's new home

Elon College has received a Pineway Drive home as part of a bequest from the late Mr. and Mrs. Reid A. Maynard. In making the gift, the Maynards requested that the Board of Trustees consider using the home as a residence for the college president.

At their annual fall meeting on October 12, the trustees, acting on a recommendation from the Investment Committee, voted unanimously to honor the Maynard's request. In appreciation for the gift, they named the residence Maynard House.

"Both of my parents believed in Elon College," said James W. Maynard, president of Tower Mills, Inc. and a member of the Elon Board of Trustees.

"It will be a tremendous asset for the college and another step for-

ward in placing Elon among the finest colleges of its kind in this region. It also releases Holland House, the current president's home, for vitally needed space on the main campus."

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