

Court

accompany them through the disciplinary process, the right to remain in the room through the entire proceeding and the right not to have irrelevant past sexual history discussed.

Alexis Hernandez, associate dean of students at the University of Arizona in Tucson, said he felt more comfortable keeping the word "rape" out of the student code of conduct. Hernandez is responsible for investigating and ruling on rape and sexual assault complaints at Arizona.

"I realize there are people who advo-

cate putting the word "rape" in the code," he says. "The trouble with that is, then I have to prove penetration, and I have to prove force."

"The way it is now, all I have to show is that the person threatened harm. I just have to show the victim was apprehensive of harm and that it was a reasonable apprehension."

Arizona students can bring complaints under a physical harm statute of the university's code of conduct if they want to charge another student with rape or sexual assault, Hernandez says.

Cases only go to a judicial board for review if Hernandez recommends suspension or expulsion. Like most university judicial boards, it consists of a combination of students, faculty and staff members, who hear cases and pass on recommendations to the vice president for student affairs.

Despite the growing number of universities advocating reform of student conduct codes, some that have implemented changes remain uncomfortable with the new process.

Rebecca Falco, coordinator of sexual assault support services at Duke University, said that although there were some potentially positive aspects to the university's attempt to prohibit sexual assault in the student code, she believed the general attitude on campus was one of skepticism.

Separate provisions for sexual assault were placed in the student conduct code in January 1991, Falco said. In the only rape case heard so far by the judicial board, the defendant was acquitted.

"The campus is pretty skeptical of the whole thing," she said. "The women on campus are skeptical — they ask

whether these people are qualified to hear a rape case.

"It feels like we're only scratching the surface. There's a lot of misperception — about what rape is, what rape trauma syndrome looks like, why women don't come forward."

Putting students' actions into a social context is complicated by the age range of the members of the judicial board, Falco said. Some of the older people on the board may question actions that students take for granted, like drinking or visiting dorm rooms where members of the opposite sex live, she said.

But many universities that have had peer review processes in place for a number of years give glowing reports.

Melora Sundt, associate dean of students at the University of California-Los Angeles, said UCLA has had a process for dealing with rape and sexual assault within the university community since the student conduct system

was instituted.

Unlike most university judicial boards, the UCLA board receives no special training in dealing with rape cases, Sundt said.

"There's been a lot of debate about that," she said. "But so far, we've decided we don't want it. Usually the university's attorneys will bring in expert witnesses."

In a system similar to criminal court, the university becomes the complainant and the victim becomes a witness, Sundt said. In criminal cases, the state acts as the plaintiff.

Student courts have an advantage over criminal courts because universities can meet a lower standard of proof, finding guilt based on "a preponderance of the evidence," Sundt said. Although the university follows due process, it doesn't have to follow all the rules of a criminal court, she said.

"It gives the university the ability to control our own community," she said.

Paul Cousins, a judicial officer at N.C. State University, agreed.

"The primary reason is that we have a vested interest in protecting our community," Cousins said. "Our primary mission ought to be to make sure the university is safe for academic pursuits."

"(Rape) is on a level where you automatically think about separating the student from the university community. Expulsion is saying 'Your behavior is so inappropriate, we can't afford to have you as part of this campus.'"

As more universities begin to address the problem of campus rape in

their codes of conduct, students are becoming more and more involved in adjudication as cases come under the jurisdiction of peer review boards.

Oklahoma State University currently is rewriting its policy, which does not have a peer review system, and presenting a proposal to its board of regents for a process to be set in place by the beginning of fall semester 1992.

The proposal would guarantee a pool of about 20 people who could be specially trained and sensitive to sexual assault issues, said Judy Sonnenberg, chairwoman for the Committee for Rape Prevention and Awareness at Oklahoma State. Each case would utilize around five members of the pool.

A peer review process would give administrators an opportunity to hear students' views on the issue, Sonnenberg said. Growing awareness of the problem of sexual assault on campus has helped in changing policies on campus and bringing student concerns to administrators, she said.

Dealing with rape and sexual assault within the university is a necessary step because rape is a repeated crime and schools are becoming more aware of their legal liabilities, Butler said.

"I wish it were just that they were being more sensitive to women and promoting the safety of their students," she said. "But I believe liability is what is motivating many of them."

"Universities that don't are foolish. To bury your head in the sand and pretend that it's not happening on your campus is courting disaster."

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Campus Calendar

THURSDAY
11 a.m. Sigma Gamma Rho will be giving one free blue book for final exams to each student in the Pit until 2 p.m.
NOON: UNC Young Democrats welcome N.C. lieutenant governor candidate, Ed Renfrow, to speak in honor of the Democratic Party's Bicentennial in the Pit.
4 p.m. Black Ink will hold an interest meeting for possible writers for next year in 206 Union.
5:30 p.m. KASA will meet in the Union.
7:30 p.m. SANGAM will have elections for next year's officers in 208 Union. Those interested in running should contact an officer.

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