Three changes made to sexual misconduct policy

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By Allyson Herbst

Amid a major review of the college’s Sexual Misconduct Complaint Process, College Council approved three changes to the sexual misconduct policy itself. On April 6, College Council, a group headed by President Oden and that also includes faculty, staff, and student members, unanimously approved the changes and recommended them to the Board of Trustees.

The changes include an alteration of the definition of ‘consent,’ an added paragraph on the consequences of false complaints, and the addition of stalking to the definition of sexual harassment.

Under the previous definition of consent, a person who had consumed any amount of alcohol or drugs was considered to be ‘incapacitated,’ and therefore unable to give consent for sexual activity. The revision now makes it possible for investigators to evaluate whether or not the person’s judgment was impaired by alcohol or drug consumption, instead of just assuming so.

The committee also approved the insertion of a paragraph addressing false complaints. The Sexual Harassment and Assault Resource and Education (SHARE) Committee, the group that wrote and submitted the changes to College Council, stated that they wanted to “inform the community of the seriousness of making false complaints by stating that penalties will be exacted against those doing so.” The addition reads, “Disciplinary action will be taken against any person knowingly and deliberately making a false complaint.”

Stalking has also been added to the policy with the explicit statement, “Stalking is a form of sexual harassment.” This addition also makes clear that stalking includes such behaviors as “persistent attempts to contact by phone, electronic communication or regular mail; vandalizing property or leaving unwanted items for the person,” and “constantly appearing at the person’s classroom, residence, or workplace without permission.”

Professor Joel Weisberg, the Chair of the SHARE Committee, said that the changes were prompted by individuals involved in the day-to-day investigation and adjudication of the policy. Weisberg said the committee then discussed [their] ideas, agreed on their usefulness, and came to consensus on the proposed wording.

Weisberg also pointed out that while these changes are related to the review of the complaint process, as they both involve the sexual misconduct policy, they are separate entities. He stated that lines of communication were open between the two groups during the formulation of the
policy changes, however, and that both efforts are aimed at improving the environment for reporting, investigating, and adjudicating sexual misconduct.

CSA President Jinai Bharucha was involved in the approval of the policy revisions as a College Council member. She said she supported the changes because, like Weisberg, she saw them as an attempt to make the policy clearer and therefore more accessible to the community. “I personally think this is important because the information is disseminated to the public…If someone is stalking someone at Carleton they need to know that’s unacceptable,” Bharucha said.

Bharucha said that College Council is interested in making the policy revisions and the council proceedings themselves transparent to the Carleton community. She encourages individuals to email her or other College Council members or to visit the group’s website if they have any questions or concerns about the changes. The Board of Trustees must now approve the changes for them to go into effect. Their next meeting is in May.