Sexual Harassment Litigation Resolved

Litigation that began in December 1989 regarding Carleton's sexual harassment policy has been resolved. The parties involved issued the following joint statement:

1. Carleton College and four plaintiffs—Julie Bauman, Amy Bradach, Kristene Maxie, and Karen Muckenhirn—in a suit against the College have agreed to end their litigation. Based on the agreement between the parties, the court has ordered that the suit be dismissed.

2. The plaintiffs and the College concluded that it was time to end what has been a painful period for all parties in order to avoid further costly and acrimonious public litigation. There are still disagreements between the parties as to the facts of the case and their interpretations. Nonetheless, both the College and the plaintiffs feel that it is more important to look ahead and continue to implement further changes in the College's policies and practices.

3. The plaintiffs commented: "We undertook this litigation to help ensure that other women need not endure what we experienced. Though nothing can erase the trauma we suffered as a result of being sexually assaulted and subsequent events, we are pleased to bring this litigation to a close in the context of Carleton's very real and constructive efforts to address the issues raised by our experiences. We look forward to those efforts continuing in the future and commend Carleton's progress on these issues to the higher education community at large."

4. Carleton President Stephen R. Lewis Jr. commented on his satisfaction that the litigation had been stopped and the dispute resolved. "As I have said from the beginning, I am very sympathetic to the feelings of these young women who have been our students and who were harmed while they were at Carleton. Former President Larry Gould always told students who came to Carleton, 'Henceforth, you are a part of Carleton and Carleton is a part of you.' I believe that is fundamentally true, and it has been painful to watch this entire process, knowing how difficult it was for these four Carleton women. I hope that we can move forward to a time of healing and to continued progress in developing effective programs of education that will eliminate sexual assault and harassment at Carleton and at similar institutions."

5. Carleton was one of the first colleges to establish a comprehensive policy to combat sexual harassment, and that policy has been revised on three occasions since 1983. As the College has learned from its own experience and from that of other institutions, it has modified both policy and implementation. That process continues and the lessons generated in part by the situation of the plaintiffs in this case have led to, and will continue to generate, constructive suggestions for modifications in policy.

6. Carleton's president will be advocating further amendments to the College's policies to provide for more explicit recognition of sexual assault, more effective methods of dealing with complaints, more support for victims of assault, and more extensive training and education for all students, faculty, and staff regarding the issues surrounding sexual assault.

7. The plaintiffs brought charges to the College that they had been sexually assaulted. In this suit they claimed that the College had been negligent in the handling of their
complaints, as well as in the administration of the sexual harassment policy. In three instances in which the College received complaints, the cases were adjudicated in accordance with the then current policy, and the students accused of assault were convicted of violations of the College’s policy and were subjected to penalties that included disciplinary probation and suspension.

The plaintiffs feel that the hearing process was unnecessarily intrusive and that the penalties imposed on the male students were insufficiently severe given the nature of the charges. The plaintiffs also have stated that the College knew of previous assaults on the part of the male students who were involved in the assaults on them and that it failed to take proper action.

The College believes that the administrative officers and the relevant hearing boards acted responsibly in light of what, at the time, constituted College policy and generally accepted standards for processing such complaints. The College continues to hold the view that it acted reasonably in light of the need for evidence and concern for the rights of persons accused of violations of policy. The parties agree that this disagreement will not be settled, though each recognizes that the other has legitimate concerns.

8. In the six years since the first incident involved in the litigation occurred, there have been many changes in Carleton’s policies, as well as in the way society views issues of sexual assault.

9. The College’s experience with the cases of the four plaintiffs has led to a number of changes in policy and practice, including the following:

• Since victims of sexual assault are under great stress, they need support and assistance from professionally trained counselors in making critical choices about how to proceed with either criminal complaints or College disciplinary proceedings.

• The additional stress and potential revictimization as a result of a victim confronting her aggressor on campus are a special concern, and available College sanctions need to address this issue explicitly.

• Investigative and adjudicative functions should be separated, a factor that was accomplished in the 1990 revisions of policy.

• Prudent and expeditious investigations of complaints by the College are critical elements of an effective policy against sexual assault, and changes have been made to ensure this continues.

• The number of possible sources of support for victims of sexual assault needed to be increased, and the College has added to both the number of trained resources and the dissemination of information about such resources.

• Emphasize the continuing concern of all parties that an individual who has sexually assaulted women in the past may pose a threat to other women in the future if appropriate disciplinary action is not taken.

• Statements of policy should explicitly recognize sexual assault as a special category of offense against the College community, and they should emphasize that since an offense can be criminal activity, it should be reported to the police regardless of whether the victim later decides to have the matter investigated or prosecuted.

• The College should continue to improve both its educational programs for students, faculty, and staff on the nature and seriousness of sexual assault and its training for students, faculty, and staff on how to handle possible incidents of sexual assault.

"...we are pleased to bring this litigation to a close in the context of Carleton’s very real and constructive efforts to address the issues raised by our experiences... and commend Carleton’s progress on these issues to the higher education community at large."
—Julie Bauman ’89, Amy Bradach ’91, Kristene Maxie ’90, Karen Muckenhirn ’90

"... it has been painful to watch this entire process, knowing how difficult it was for these four Carleton women. I hope that we can move forward to a time of healing and to continued progress in developing effective programs."
—President Lewis