

Dear Taylor, Courtney, Antonia, Zoe, Alanna, Lizzy, Arion and all others whom it may concern,

We write as members of the Sexual Misconduct Board, and we appreciate your letter regarding your concerns about Reed's adjudication of sexual assault cases. It is very important for community members to speak up when there are significant concerns about how the administration is handling important issues - especially issues as sensitive, complicated, and serious as sexual assault. Although your letter was addressed to President Kroger, we feel the need to respond to your letter, hopefully to clarify some of the points you brought up and address some of your concerns about sexual misconduct adjudication.

The Sexual Misconduct Board takes all allegations of sexual assault very seriously, and works very hard to make sure that each case is adjudicated fairly. We recognize that sexual assault is the most common and one of the most severe forms of violence that Reed students face, and that it often causes catastrophic and lasting damage to survivors. It is worth noting that our definition of sexual assault ranges from unwanted sexual touching to forcible sexual intercourse. Understanding that the term 'sexual assault' applies to many different actions is key to understanding the complexities we face in arriving at sanctions. There are a wide range of offenses that fall under the definition of sexual misconduct in the DHSM, and the college's harshest sanctions may not always be appropriate for all offenses. Whenever we determine that someone is guilty of committing sexual assault, our top priorities in sanctioning the offenders are securing the safety of all community members from future assaults, ensuring the survivor's well-being and unhampered access to a Reed education, and assigning sanctions of proportionate severity to the offender's violations.

We adjudicate every single complaint of sexual misconduct that we receive in a prompt and thoughtful fashion, following the Judicial Board Code¹, Reed's Discriminatory and Sexual Misconduct Policy (DHSM)², the requirements of Title IX³, the Clery Act⁴, the Campus SaVE Act⁵, and all related guidance issued by the Department of Education.

You state in your letter that "those who are charged with offenses that are alcohol-related (and non-violent in nature) are disciplined in a more aggressive manner than those who are found guilty of sexual assault and/or rape at Reed." We understand how one could reach that conclusion based on the juxtaposition of particular cases, and we understand why that is disturbing to many community members. The confidentiality of individual cases is extremely important to us, and we therefore cannot comment on the specifics of individual cases. However, we encourage anyone who is concerned about the severity of sanctions in sexual misconduct cases to review the summaries of Judicial Board and Sexual Misconduct Board cases which have been released to the Quest over the last three years⁶. These summaries are the best source of publicly available information about the

¹ J-Board Code http://www.reed.edu/academic/gbook/comm_pol/honor_prin.html#jboard_code

² DHSM http://www.reed.edu/academic/gbook/comm_pol/dhsm_policy.html

³ Title IX <http://www.reed.edu/title-ix/index.html>

⁴ Clery Act <http://www2.ed.gov/admins/lead/safety/handbook.pdf>

⁵ Campus Save <http://pip.missouri.edu/docs/meetings/dec13/BILLCampusSaVEAct.pdf>

⁶ Case summaries: <http://www.reedquest.org/2011/03/j-board-case-summaries-for-2010/>,
<http://www.reedquest.org/2012/09/judicial-board-2011-2012-case-summaries/>,
<http://www.reedquest.org/2013/12/judicial-board-case-summaries-springsummer-2013/>.

cases we adjudicate, and they allow community members to have a broad and accurate overview of the way offenders are sanctioned.

Over the past few years, the vast majority of students found guilty of sexual assault have been suspended, expelled, or otherwise excluded from campus. When a student is suspended, they are completely excluded from campus for the duration of their suspension (including from events such as Renn Fayre and Commencement), and when a student is expelled they are completely and permanently excluded from campus. Students who were not expelled for sexual misconduct have most often been suspended or excluded from most aspects of campus life, in addition to receiving other sanctions such as those outlined in your letter as inappropriate (such as community service, disciplinary probation, alcohol and drug counseling, etc).

This is not to say that every student who is found guilty of sexual assault will definitely be suspended or expelled. We determine what sanctions are appropriate based on a careful and thorough examination of the specific circumstances and violations of each case. The Board does not adjudicate according to set criteria or precedent because we consider the specifics of each case and thus avoid imposing the kinds of inappropriate or disproportionate sanctions with which you are concerned. That is why we cannot, as you ask, “disclose the criteria for campus exclusion and the imposition of sanctions for sexual assault and harassment”, because there are no such general and binding criteria. The enforcement of such a binding criteria would prevent us from identifying and working with the nuances of each case.

In sanctioning any case - including those of sexual misconduct - we take many factors into account, including but not limited to: the number of violations of college policy and the Honor Principle, the specific details and severity of each violation, the risk of future violations, the harm caused to specific individuals and the community by each violation, and the causes of violations. Broadly speaking, in every case we seek to recommend sanctions that will ensure that the offender does not commit future violations of policy or Honor, that the offender has been disciplined in a manner proportionate to their violations, and that the well-being of the survivor(s) and community has been restored. All members of the Judicial Board and Sexual Misconduct Board receive extensive training on the different types of sanctions that we can recommend, to ensure that we do not recommend sanctions that are arbitrary or inappropriate for the specific circumstances of any given case. The Board looks for sanctions to be restorative, punitive and educative, where appropriate.

As we stated above, the community’s safety and the well-being of the survivor(s) are our top priorities when sanctioning students found guilty of sexual assault. We always ask the accuser and the accused about their ideal resolution to the case, and what sanctions they think are appropriate. In sexual misconduct cases, we are keenly aware of the very real possibility of re-traumatization by the offender’s presence, and we seriously consider everything the survivor tells us about what they will need to ensure their physical and emotional safety for the duration of their time at Reed.

In terms of confidentiality, we want to make it clear that all participants in Honor cases, particularly cases of sexual misconduct, are in no way prohibited from sharing their experiences. Survivors (and respondents) are free to discuss anything that has happened to them, may note that they are participating in a case as long as they do not disclose their role, and at the conclusion of the case may provide the name of the accused, the Board’s findings, and any sanctions recommended. The

Board only asks that any information not already known to a party that is disclosed during the case itself be kept confidential⁷.

We hope that the information provided in this letter clarifies how the Sexual Misconduct Board functions and addresses some of the concerns raised in your letter. You should feel free to get in touch with the chairs of the Judicial and Sexual Misconduct Boards, Evvy Archibald and John Colgrove, if you have questions or concerns about the Judicial Board and Sexual Misconduct Board's role in the Honor process. There is also information online, for those who would like an overview of the process⁸. We understand that Reed's judicial process can seem unclear and the chairs and the advisers of the adjudicating board are will gladly discuss anything that remains unclear about the process. We believe it is important for the Reed community to have faith in its judicial system, and we are committed to answering questions, hearing concerns and suggestions, and receiving feedback. This offer extends not only to those who wrote the letter to President Kroger, but also to those who signed it, those who read it, and anyone who feels uncertain about our role in the Honor process.

Again, we appreciate your letter and the concerns you have raised. It is a heartening testament to the strength of our community that so many students and alumni came together to express significant concern over an issue as difficult as sexual assault. We share your strong desire to ensure that sexual misconduct at Reed is fairly and responsibly adjudicated, and we welcome anyone who wishes to discuss these issues with us.

Sincerely,

Evvy Archibald '16, Judicial Board Chair
John Colgrove '86, Sexual Misconduct Board Chair
Aditya Agarwala '15
Ben Morris '15—member
Katie Schmitz '16—member
Justin Fishman '16—member
Tanner Hanson '16—member
Erin Conor—staff member of the SMB
Ueli Stadler—staff member of the SMB
Rabeca Reese—staff member of the SMB
Santi Alston—staff member of the SMB
Nina Clark '14—former member
Kasra Shokat '14—former member

⁷ Confidentiality http://www.reed.edu/honor_principle/j_board/confidentiality.html

⁸ Information on the Honor Process http://www.reed.edu/honor_principle/j_board/process.html
http://www.reed.edu/honor_principle/j_board/hearing_boards.html#SMB.