



To submit a case to FIRE, click [here](#).
To contact FIRE, click [here](#).



LOTTERY

Daily
7-9-5-9
(Sunday)
Mass Millions
1-2-10-11-15-27
Bonus: 25 (Thursday)
Megabucks
8-12-13-29-31-36
(Saturday)
Mass Cash
10-21-25-26-35
(Friday)

COLUMNS

[Brian McGrory](#)
[Eileen McNamara](#)
[Brian C. Mooney](#)
[Adrian Walker](#)

[The Spiritual Life](#)
[Starts & Stops](#)
[Peaks & Valleys](#)
[Political Capital](#)

RELATED FEATURES

[Latest regional news](#)
[Obituaries](#)
[Death notices](#)

Sections

PAGE ONE
NATION | WORLD
CITY | REGION
BUSINESS
SPORTS
LIVING | ARTS
EDITORIALS | OP-ED

Weekly



The Boston Globe boston.com

City & Region

[[Send this story to a friend](#) | [Easy-print version](#)]

College's discipline policy a new flash point

By Patrick Healy, Globe Staff, 11/20/2000

NEW YORK - If a history is ever written of this fall's fiercest campus culture war - over sexual misconduct and students' rights at Columbia University - it would surely begin with the moment that Sarah Richardson lost her faith in justice.

Freshman year, 1999. Two men in Richardson's dorm crossed a line and began hounding her - to the point that she filed a complaint of sexual harassment and physical assault.

It was then, she said, "the process became far more painful."

The dean handling her case, Richardson recalls, showed no sympathy. She and her friends were told to e-mail their side of the story. She never made her full case, and in the end, the men were put on probation. "Which means nothing," she said.

Richardson formed a coalition to fight for a new sexual misconduct policy focused on aiding victims. Using red tape as their symbol, they charged that the Columbia bureaucracy had stifled complaints so much that only two were heard between 1995 and last winter.

Chastened, Columbia enacted a new system this fall. And with it, the pendulum swung.

If Richardson once felt slighted and helpless, students now accused may soon feel the same way, if not worse.

At a time when colleges nationwide feel newly emboldened to replace constitutional due process with their unique brands of discipline, the Columbia policy is seen by some students and civil libertarians as an extraordinary step toward injustice. According to Boston University Chancellor John Silber, the system has elements lifted from a Kafka novel:

Before you shop, stop by

ever\$ave.com

3rd Pair of Slacks
CLEANED FREE
ZOOT'S
THE CLEANER CLEANER

FREE 60 Day Trial

Click Here

Save up to \$30 at

\$50 Off Futon & Frame or Free Delivery

NEW ENGLAND MATTRESS & FUTON CO.

FREE CHIPS & FREE DRINK WITH PURCHASE

d'angelo sandwich shops

To save money, shop Eversave.
Shop. Save. Eversave.
Eversave.com

Find these great

[Health | Science \(Tue.\)](#)

[Food \(Wed.\)](#)

[Calendar \(Thu.\)](#)

[Life at Home \(Thu.\)](#)

Sunday

[Automotive](#)

[Focus](#)

[Learning](#)

[Magazine](#)

[New England](#)

[Real Estate](#)

[Travel](#)

[City Weekly](#)

[South Weekly](#)

[Globe West](#)

[North Weekly](#)

[NorthWest Weekly](#)

[NH Weekly](#)

Features

[Globe archives](#)

[Book Reviews](#)

[Book Swap](#)

[Columns](#)

[Comics](#)

[Crossword](#)

[Horoscopes](#)

[Death Notices](#)

[Lottery](#)

[Movie Reviews](#)

[Music Reviews](#)

[Obituaries](#)

[Special Reports](#)

[Today's stories A-Z](#)

[TV & Radio](#)

[Weather](#)

Classifieds

[Autos](#)

[Classifieds](#)

[BostonWorks](#)

[Real Estate](#)



[Buy a Globe photo](#)

Help

[E-mail addresses](#)

[Send us feedback](#)

Alternative views

[Low-graphics version](#)

No lawyers. No right to face the accuser or listen to witnesses. Complaints can be filed up to five years after the alleged incident. No right to cross-examination, and no recorded transcript of what was said - of the detailed arguments or of the nuances that might influence the jury.

"How do you defend yourself?" said Thor Halvorssen, executive director of FIRE, the Foundation for Individual Rights in Education, a new, hard-line civil liberties group that is stirring much of the opposition to the Columbia policy. "When your life, your academic career, and your reputation are at stake, that's adversarial."

With a recent court decision affirming the right of Brandeis University - and by extension, other private colleges - to conduct discipline hearings as it sees fit, Columbia's new system reflects the choices campuses face: how much traditional due process to offer both sides, how to ensure fairness, and how far to turn an exercise of justice into a learning experience.

To FIRE, the policy represents a new opportunity to attack campus judiciaries, which they see as politically correct star chambers that police sexual relations between men and women.

Members of the group hope to shame Columbia, or fuel legal action, to kill the policy; for example, they have trumpeted New York University's refusal to adopt a similar system. An NYU official told a campus newspaper that it was a "fundamental right for an accused person to face his or her accuser."

Behind FIRE's attack lies a fierce skepticism about date rape and sexual misconduct on campuses. Halvorssen, in an interview here, became incensed as he spoke about two female students at UMass-Dartmouth who recently admitted to making false rape claims this year. What would happen if such complaints were made at Columbia, and went forward, he asked. "The accuser has all the weapons here," he said.

Columbia officials say the policy is fair and will be reviewed regularly. The lack of courtroom-style due process is common in campus judiciaries, they noted, to avoid treating students like criminal plaintiffs and defendants.

"Discipline at the university is regarded as something that is educational as opposed to punitive," said Patricia Catapano, an associate general counsel at Columbia and one of the authors of the new policy. "Rarely does a university consider that a student cannot be rehabilitated."

But to students like Karl Ward, Columbia is teaching a biased lesson.

Ward, who with FIRE's help has started a Civil Liberties Task Force to change the policy, said disciplinary hearings are no longer an impartial, balanced forum for complaints. Rather, he argued, Columbia tainted the process by putting it in the hands of a new Office of Sexual Misconduct Prevention and Education. Activists such as Richardson pressed the office to assist students who have complaints, and train campus officials to run the judicial hearings.

"If you look at any special tribunal, people are not necessarily pursuing fairness as their only goal," said Ward, a senior.

The office, located on the 7th floor of Columbia's student center, is still a work in



Search the Globe:

Today

Yesterday

progress. Charlene Allen, formerly executive director of the Boston Area Rape Crisis Center, started work last month as its first full-time coordinator, and is slightly bemused by the criticism of her new office.

One of Allen's duties is to train people to judge complaints under the new system; two administrators and one student will typically handle each case. In these training sessions, Allen suggests ways to interview, question, and listen as they assess whether the evidence is "clear and convincing," or insufficient to support the complaint.

She said the absence of lawyers, and the separation of the accused and accuser, helps root the proceedings in an educational and unthreatening setting.

"We do bend over to provide protections to students but they're not courtroom protections," Allen said. "This is a different animal."

Edward N. Stoner II, a lawyer who heads the higher-education practice at Reed Smith Shaw & McClay, said campuses nationwide have been grappling with how to create an "educational" judicial system in which students feel more like they're in an informational interview than a scene from the television drama "Law and Order."

A specialist in discipline policy, Stoner said many campuses make audiotape recordings of hearings, which he recommends, and allow students to face their accusers in some form. "Most places say if it's a student-on-student incident, of course we should have students there to hear what they're saying about what happened," Stoner said.

In the end, he said, Columbia is free to do as it wants: Constitutional due process may be guaranteed in the courts, but campus due process may be designed to meet the school's goals.

Harvey Silverglate, a Boston lawyer and a leader of FIRE, said his group challenged Columbia out of concern that colleges' limits on constitutional due process may someday spread to society at large, just as, he argued, the antiwar movement and harassment codes evolved beyond colleges.

"What begins as a trend on campus ends up being generalized in greater society in a generation or so," Silverglate said.

This assault on Columbia's policy troubles some students here. Who, Sarah Richardson asks, can dispute that Columbia needed to do more to police sexual misconduct? In recent years, the university received only a handful of complaints, and its crime reports to the federal government indicated that barely any sexual assaults occurred at Columbia.

But Richardson, whose group is called SAFER, Students Active For Ending Rape, said area hospitals have reported dozens of cases of Columbia women seeking treatment for assaults in recent years. She said students didn't press complaints on campus because the old procedure was horribly managed. Victims felt deterred by the initial "gatekeeper" stage, when an official evaluated, and at times discouraged, a case. Also, the thought of facing the accused was too much for some, she said.

She disputed the argument that under the new policy, the stakes are so high that

the accused would need an attorney, a transcript, or some measure of legal protection.

"You're not going to have a criminal record," she said of a student found guilty. "People will get through this and move on. Why are we so concerned about the rapist?"

Yet some supporters of the policy change feel more could be done to make it fair. Some members of Columbia Men Against Violence, which supports the new system, think a tape recording would ensure that both sides understand the arguments and that those deciding the complaints could refer to exact testimony.

Nathan Gardner-Andrews, a senior and leader of the group, said the process comes down to the people involved; and while human error is possible, he trusts that the administrators and students in charge would not railroad anyone.

"No one wants to be a hanging jury in these cases," he said. "They are in no rush to prove someone guilty."

This story ran on page A01 of the Boston Globe on 11/20/2000.

© [Copyright](#) 2000 Globe Newspaper Company.

[[Send this story to a friend](#) | [Easy-print version](#)]

[CLICK HERE](#)
FOR ADVERTISER
INFORMATION



© [Copyright](#) 2000 Globe
Newspaper Company

The Boston Globe
EXTRAnet
Extending our newspaper services
to the web

Return to the [home page](#)
of The Globe Online