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Campus Sex Campus Security

SEMIOTEXT(E) INTERVENTION SERIES

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to another. I shuffle awkwardly back and forth between them. I resist letting the problem of the administration of sexual harassment flow seamlessly into the story of police violence. This is my way of drawing out the connections between these stories, while also resisting the system that enlists one in the service of the other.

Stories of campus sexual assault and stories about police violence on college campuses have different shapes. We have remarkable access to the details of police violence, when that violence happens on the campus of a public university. The stories of specific beatings, specific disasters, are accessible through an archive of investigative reports. The rape victim, in contrast, is an anonymized figure, a rumor and an abstraction. Where the person beaten by campus police appears in the news with a name and a face, the rape victim is rendered into an anywoman who might as well be every woman.

One figure whispers to the other, through cracks in the campus wall.

Campus Sex, Campus Security

Let us begin with the image of a man at work. The image of a campus scandal.

A police officer waters demonstrators with a jet of pepper spray.

A policeman and his pepper spray; students with their hoods up, stunned and slumped forward; a crowd of people watching. Recording.

On November 18, 2011, during the season of the Occupy Movement, the University of California Police Department at UC Davis assembled its troops to break up a camp recently established by students protesting endless increases in college tuition. A psychology student at Davis took this photograph of Sergeant John C. Pike at work. She was close enough to get pepper spray on her jeans. She posted the image on Facebook. It had explanatory power: it migrated to Reddit and went viral.



Photo credit: Louise Macabitas

The image speaks of the co-existence of professionalism and incompetence. Something is wrong. Everything is normal.

The students were not violent; they were not breaking any rule. They had merely gathered on their campus—a campus is, by definition, a place where people gather. Why were the police there? Why did the police use force? And why *this* force? Who is responsible?

Every aspect of this incident would be reviewed in at least two separate investigations: a confidential internal investigation produced by the police department, and a public external investigation produced by Kroll Securities, which was hired by the University of California Office of the President after photographs and video of this incident drew national attention.

Kroll Security's report on "the pepper spray incident" tells us that campus police had been sent there by the university's Chancellor, Linda Katehi. In an interview with Kroll investigators, Katehi explained that the administration was worried about "non-affiliates" on campus. Non-affiliates from Oakland.

We were worried at the time about that [non-affiliates] because the issues from Oakland were in the news and the use of drugs and sex and other things, and you know here we have

very young students . . . we were worried especially about having very young girls and other students with older people who come from the outside without any knowledge of their record . . . if anything happens to any student *while we're in violation* of policy, it's a very tough thing to overcome.²

On the surface of her testimony, the Chancellor worries that Occupy Davis might turn into Occupy Oakland. A metonymic chain of associations accumulates (Oakland [black people], drugs, sex, young girls, older people, outsiders, violation) to bring the Chancellor to her fear: "older people from outside" interacting with "very young girls."

The administration's paranoid rape fantasy mirrors the geometry of the university community itself—what is a campus but older people, working with younger people?

The fear that "anything" might "happen" is haunted by another worry: the possibility that the campus itself is always already "in violation" ("if anything happens to any student while we're in violation"), that violation is in fact embedded into the campus, as a part of its structure. The administration worries about that which makes rape imaginable.

The administration's fear of being "in violation" repeats across Kroll's report, as the explanation

for a series of bad decisions. For example: the administration insisted that the police be deployed to take down a student encampment in the middle of the day, instead of in the middle of the night—which is when police generally prefer to do such things:

The idea of non-students being on the campus in tents led the Leadership Team to fears of criminal activity in general and potential sexual assault specifically.³

If the administration worried about sexual assault, it was through the lens of its sense of responsibility to its conditions of possibility.

This worry wraps itself around the worry about what happens to "very young girls" on a college campus: The Chancellor was worried about being "in violation" of Title IX, federal legislation that bans sex discrimination in all educational institutions receiving federal funding. Anxiety about the university's legal exposure, especially where sex is concerned (in all senses of that word "sex"), registers on every campus as a background hum.

"If anything happens to any student"—this diffuse anxiety spreads across the entire student body, as an object of concern. Students mirror it back: "if anything happens to us!" It perfectly expresses the institution's conservative nature as an

administrative organism, its fear of and fascination with that which “happens.”

The Chancellor was concerned that Friday night was a “party night” and that the encampment might “become a place for fun [and] the use of alcohol and drugs and everything.”⁴

Eventually this photograph and the reports that index the image are slipped into a file. The scandal of the incident dissolves over time, replaced by new headlines. The file is dropped into a cabinet, with other files. An infinite, expanding library. Photos, video archived on Youtube. Independent investigations and reports. White papers and memos. PowerPoint presentations, with their recommendations for change. Something went wrong, something shouldn’t have happened. A filing cabinet of embarrassments and outrages. Anything and everything.

Let us begin again, then, with the story of a violated girl. A different campus scandal. A different kind of investigation.

Rolling Stone’s November 2014 article, “A Rape on Campus,” grabbed national headlines—how could it not? Its opening paragraphs seduce the reader with the story of a fraternity gang rape:

“Want to go upstairs, where it’s quieter?” Drew shouted into her ear, and Jackie’s heart quickened. She took his hand as he threaded them out of the crowded room and up a staircase.⁵

The victim is eager and naïve. She is a “good girl.” (“She’d congratulated herself on her choice of a tasteful red dress with a high neckline.”) The writing is pornographic (“as the last man sank into her”).

The titillating details are offered to the reader as sensational evidence of the epidemic of campus rape. Kirby Dick's 2015 documentary on the subject is thus titled *Hunting Ground*—to remind us that, after all, the campus is where rapists go to school.

Sabrina Rubin Erdely, the author of "A Rape on Campus," had been hunting for rape victims, in order to animate her report on university responses to harassment accusations. She had heard tell of this particular violation—a fraternity gang rape—from a campus activist at the University of Virginia. Erdely interviewed this victim-with-a-good-story, as well as activists working on the issue of sexual assault on campus. But the writer did not interview any of the accused, or witnesses. And her editors did not notice. This lapse in due diligence led to the story's second life, as evidence of another scandal: the victim lied. A plot twist, special to the special victims of *Law & Order*.⁶

Rolling Stone ignored basic protocols of journalism in its reporting of explosive accusations against not only the fraternity named in the story, but against a distinguished university which, as it happens, was, at the time, under investigation by the federal government for Title IX violations.⁷

A few weeks after *Rolling Stone* published "A Rape on Campus," journalists working at *The Washington Post* uncovered just enough information

to suggest that the lead victim—the woman through whose eyes the entire story is reported—had concocted the gang rape story. Other writers deduced that this might have been an attempt to win sympathy and affection of a male friend who had rejected her romantic advances. Perhaps she produced herself as a victim in order to make herself appealing. Perhaps she narrated herself as violated in order to give her life a story.

The victim, in other words, is indeed a vulnerable person—desperate, delusional, perhaps the victim of a different kind of assault—the story of which she could not put into words. The violated girl, the lying girl, the vulnerable girl—the reviled girl. The object of anger and contempt.

The story of false accusation replaced the story of fraternity gang rape. The magazine staff shrugged, *whatever*. So what if the victim is crazy? Who cares if the story centered on a fantasy? Who cares, really, about what women say. For that matter, who cares about what women write? For *Rolling Stone's* editorial staff, the story of sexual violence and sexual coercion is a good story, but not a *real* story. Popular misogyny and popular feminism: a snake eating its tale.

Rolling Stone editors apologized and handed the problem to the Columbia University's School of Journalism. Faculty investigated the story, and then wrote a report that indexed failures at every

level of the story's production (investigation, writing, editing and fact-checking).⁸ This report was discussed for a few days by the national media, and then filed away.

Title IX, a 1972 amendment to the Higher Education Act (HEA), governs how a college campus in the United States responds to accusations of sexual discrimination, harassment, and assault.⁹ Title IX is civil anti-discrimination law designed to bar sex/gender discrimination in education. Insofar as sexual assault is a gendered form of violence, insofar as an assault on a college campus may create a hostile environment for a victim, insofar as a university depends on federal funding, it has an obligation to the state to work towards a rape and harassment-free community.

Within this framework, where an accusation of sexual assault is concerned, a university's obligation is not to determine if a crime has happened. It is to determine if someone's rights have been or are likely to be violated.

Like the Higher Education Act that it amends, Title IX is meant to make more things possible for more people. But the social mobility that it enables is shadowed by a negative sense of possibility.

Title IX shapes the university's experience of its own vulnerability. A university that obeys the letter of the law is "compliant"; a university that does not is "non-compliant." The non-compliant university is "in violation," and vulnerable to fines and lawsuits.¹⁰

Title IX's importance to a university's sense of security provides the infrastructure for the Davis Chancellor's worry that something might "happen" to the "very young girl" while the campus was "in violation." Rape discourse on the college campus has shifted dramatically: "In the 1980s and 1990s," Rachel Hall observes, "the paternalistic myth of women's vulnerability donned the neoliberal cloak of risk management."¹¹ Nowhere is this more in evidence than in the presentation of the college campus as a dangerous place for the "very young girl." That endangered girl is everywhere in this story, and nowhere. She is real and she is imagined.

Title IX is the administrative structure through which the university knows what exposure feels like, what vulnerability *is*.

It is the sex of bureaucracy.

If the 2011–2012 school year was the year of the Occupy Movement for student activists, it was, for universities across the United States, the year of risk management. The previous spring, just as schools were moving into the summer, the Department of Education sent a "Dear Colleague" letter to administrators across the nation. The letter maps out the department's thinking regarding the enforcement of Title IX (which was, by then, nearly forty years old). It advocates for new standards in campus adjudication of complaints about assault and harassment, and it associates a discrimination-free campus with a campus that "feels safe." In mapping a campus's federal obligations, it also maps the requirements for a federal complaint. This letter is the reason campus rape is in the news.

The letter opens with a straightforward summary of the basic principals of Title IX:

Dear Colleague:

Education has long been recognized as the great equalizer in America. The U.S. Department of Education and its Office for Civil Rights (OCR) believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

The letter goes on to describe the college campus as in crisis:

The statistics on sexual violence are both deeply troubling and a call to action for the nation. A report prepared for the National Institute of Justice found that about 1 in 5

women are victims of completed or attempted sexual assault while in college. The report also found¹² that approximately 6.1 percent of males were victims of completed or attempted sexual assault during college. According to data collected under the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), in 2009, college campuses reported nearly 3,300 forcible sex offenses as defined by the Clery Act. This problem is not limited to college. During the 2007–2008 school year, there were 800 reported incidents of rape and attempted rape and 3,800 reported incidents of other sexual batteries at public high schools. Additionally, the likelihood that a woman with intellectual disabilities will be sexually assaulted is estimated to be significantly higher than the general population. The Department is deeply concerned about this problem and is committed to ensuring that all students feel safe in their school, so that they have the opportunity to benefit fully from the school's programs and activities.¹³

It is hard to overstate the impact of this nineteen-page document. From the citation of the alarming (but also disputed) statistics on the frequency of sexual assault to the naming of "feeling safe" as a

benchmark for measuring equity and feeling “unsafe” as a sign of violation, the letter describes the college campus as in a state of sexual emergency. In the following months, universities were put on notice regarding their responsibilities to potential and actual victims: the Assistant Secretary for the Office of Civil Rights in the Department of Education, addressing worried school administrators, explained: “There is no safe harbor. If you satisfy the law, then you have safe harbor. If you don’t, you don’t. We’re not considering a middle ground.”¹⁴

The campus is defined as a safe place; the campus is defined as in danger. The campus is a pure space, and so each instance of sexual violence appears as an absolute outrage, a betrayal and an affirmation of rape’s ubiquity. The campus promises safety, security. To see that promise through, it must police and expel. It must establish a procedure and manage its risk.

The Davis Chancellor’s decision to call out the troops on November 18, 2011 was shaped by the affective economy of a security culture in which a sense of injury and exposure revolves around sexual possibility—a possibility with the organizing force of a black hole. It is an unknowable thing because no one wants to know, really, any of this “anything.”

The unknowing young girl. The young girl, and the unknown. The unknowable and the uncontrollable must be expelled.

The university administrator surfs a wave of institutional insecurity.

The process of administering sexual assault complaints on a college campus rolls along a Möbius strip. One thing (a crime) flips into another (a violation) and back again. The criminal and the civil converge, usually in the form of a hearing that mimics the rituals of a court. Secret committees and secret reports. Sanctions and appeals. It is a staple scene in episodes of *Law & Order*: a violated student testifies in court—tears streaming down her face as she complains about the failure of campus justice. “And then my rapist *graduated*,” she (the character is almost always a woman) stammers, as if *this* were the worst thing, as if his degree was the real crime. The jury nods in agreement. (The sex offender should not go to school!)

But of course, most cases of sexual assault never make it to any court. Most victims of sexual coercion never file a complaint of any kind. (There are so very many kinds of coercion.)

Most people, including most university Deans, Chancellors, and Presidents, do not know what a Title IX complaint *is*.

On a college campus, Title IX investigations, student conduct committees and expulsion hearings promise to administer and redistribute injury for the minority that does come forward with a complaint. These investigations and reports attempt to

absorb and contain all that sex, and sexual disaster, lets loose into the world. And as is the way of sex and power, when they are drawn together into administrative procedures and processes, the relationship between the two becomes more distorted, more disorienting and tortured. And the victim is the engine of this administrative trouble. *She* (again, always *she*) is a walking *situation*. This is her appeal: at risk, she is risk itself.

Once she makes a complaint, this risk is now escalated, and played out in a new dimension: it is often *retaliation* that is the university's real trouble. File a complaint and you may find yourself managing not only the original harassment—you might be removed from your classes, forced to move from your dorm, pushed to drop out by the cruelty of your peers. This, legally, is the zone of the retaliation complaint.

Retaliation, for the university, is a beast: it is often far easier for a victim to demonstrate a case of retaliation than the original complaint. A Title IX complaint, when poorly administered, will take on a mind-numbing fractal complexity—it will grow, and replicate itself in complaints about complaints. Each of its details will take on the aspect of the entire system.

The *idea* of Title IX has intense rhetorical effects: it gives body to an affective economy. The campus adopts a psychic identification with the scene violation, in which the university might be, like the paranoid psychotic who threatens because he feels threatened, both “in violation” but also *violated*—the criminal who projects criminal intention everywhere. The campus is the scene of violation. A fantasy space.

The campus. The co-ed. The rapist. The raped.

In the psychic space of the campus they become each other. One conjures the other, as a risk. The campus becomes, within the contemporary discourse of rape, the place where rape happens.

Thus the shape of the Chancellor's worry, which displaces the imagined victim's violation with an injury to the campus itself: “if anything happens to any student while we're in violation of policy, it's a

very tough thing to overcome." Not for the "young girl" in question, but for the university itself. And yet the university, always already "in violation," is, here, the violator. The university might be violated, in other words, because it is always already violating.

The campus, the public feels, is asking for it. And so we elect another generation of publicly educated legislators who starve the university of public funding. A disciplinary action.

Administrators deploy force in the breaking up of a peaceful student demonstration against rising tuition and plummeting state investment. They do so in the name of sexual security; they do so with the aim of managing the possibility that an overnight camp-out might lead to contact between "affiliates" and "non-affiliates," to penetration of the inside by the outside, to an accusation and lawsuit in which the defendant is not the rapist, but the university.

Campus sex (as the condition of possibility for campus rape) haunts campus security discourse.¹⁵ The tents at UC Davis must be removed, thinks the administrator. We must make the campus safe, in case anything should happen. They must be removed before the sun goes down.

Victims of sexual assault, harassment and intimate partner violence are encouraged to report. A minority file complaints and try to see the process through: doing so takes material and emotional resources. Few will tell you that this process provides resolution. There is no policy adequate to these crises. Victims report because they need help; a campus receives reports because it is bound by law to do so. This asymmetry warps their interaction.

The filing of a complaint often leads to the filing of more complaints—counter-complaints and complaints about the complaint process.

One finds oneself filing complaints with the hope that the complaint will force the campus to hire more investigators, more administrators. More boots on the ground. Complaint prevention officers, compliance review managers, a Vice Provost for Administrative Solutions.