

## **An open letter from The Rape Assistance and Awareness Program to Yale University and Delta Kappa Epsilon Fraternity**

Denver's Rape Assistance and Awareness Program has served over 500,000 survivors of sexual assault since our founding in 1983. As a respected authority on sexual violence, we would like to voice our outrage that both Yale University and Delta Kappa Epsilon Fraternity have yet to take decisive action to deal with the students who blatantly advocated rape by chanting "No means yes, yes means anal" outside Yale dorms on October 13, 2010. Both institutions have issued statements tantamount to declarations that the incident, while regrettable, is a matter of free speech; a review of official Yale policy on sexual harassment and the Student Code of Conduct make it clear that the students involved violated very real governing principles of both bodies and are not protected by the First Amendment. What follows is RAAP's official statement on the incident and the consequences we expect for the students involved.

### **To Richard C. Levin, President of Yale University, Mary Miller, Dean of Yale College, Doug Lanpher, Executive Director of Delta Kappa Epsilon, The DKE Board of Directors, and the President of The Yale Hellenic Society,**

It has been over a week since pledges for the Delta Kappa Epsilon fraternity marched past dormitories housing Yale freshman women and chanted "No means yes, yes means anal", among other abhorrent statements. The ensuing controversy has thus far resulted in a campus-wide forum, and a public statement from Yale President Richard C. Levin and Yale College Dean Mary Miller promising to "Confront hateful speech when it has been uttered in no uncertain terms. No member of our community should engage in such demeaning behavior." The DKE Board of Directors agreed, writing that "The sentiments expressed during the new member activity are deeply offensive, and do not adhere to the standards of morals and behavior that we expect of all DKE members." As DKE Executive Director Doug Lanpher goes to meet with Dean Miller and DKE members this weekend, it is imperative that the above commitments to confront these reprehensible actions do not become empty rhetoric.

Yale and DKE administration must take decisive action to ensure that this incident is no longer framed as a "free speech" issue when in fact the students involved violated the Yale Sexual Harassment Policy, Yale Student Code of Conduct and Article II of the DKE Constitution. The students were not a dissenting voice campaigning for unpopular opinions, but a group loudly, literally and incontrovertibly advocating rape. Subsequent DKE apologies claim a lack of awareness that this chant would be offensive, however; these students were met freshman year with what Yale asserts is a "mandatory awareness session on the prevention of sexual assault." Additionally, certainly some among the current Yale DKE brothers would recollect the uproar when their fraternity used the same chant at Yale only two years ago in 2008.

Given the precedent of disciplinary action against various chapters of Delta Kappa Epsilon for charges ranging from "risk management violations" to "safety policy violations" (see DKE incidents at Vanderbilt University, 2010 and the University of North Carolina, 2009, respectively), it is unfathomable that when confronted with an incident that clearly violates Yale University Sexual Harassment Policy, both Yale and DKE would remain silent.

Yale and DKE must immediately address the failure of these DKE members and pledges to comply with Yale Sexual Harassment Policy, Yale Student Code of Conduct and Article II of the DKE Constitution. These policies state that although Yale has a confirmed "commitment to protect free expression and peaceful dissent", this commitment is not placed above the University's "belief that physical restriction, coercion, or intimidation of any member of that community is contrary to the basic principles of the University, and that such action will ordinarily result in temporary or permanent separation from Yale College." (See Yale University, Undergraduate Regulations, General Conduct and Discipline). If doubt remains as to the merit of calling the recent DKE incident one of "intimidation", one only has to refer to Yale's Policy of Sexual Harassment, which explicitly states the following as examples of sexual harassment:

- Jokes, comments, gestures, pictures of a sexual nature
- Creating a hostile, coercive or intimidating environment with the expression of sexualized comments or themes

The Dean and President of Yale University, the Executive Director of Delta Kappa Epsilon and the President of the Yale Hellenic Society have an inveterate obligation to ensure that their students and members uphold their respective codes of conduct. In 2009, Yale had seven reported sexual assaults. The Justice Department estimate that fewer than 5% of completed and attempted rapes of college women are reported to law enforcement officials; this puts Yale at 140 sexual assaults in 2009. What will this number rise to in years to come, if Yale and DKE refuse to take further action? At the very least, the students responsible for violating Yale's Code of Conduct and Sexual Harassment Policy must be suspended, and the DKE chapter at Yale must be held to account for such a blatant violation of their Constitution. To do otherwise would be to effectively condone the actions of these students, and to confirm, in the eyes of the public, that Yale University will uphold the reprehensible statements this incident revolves around instead of the rights of the students it is duty-bound to protect from sexual violence.

**With questions please contact:**

**Tara Roesener, RAAP Director of Development 303.329.9922**

**Amelia Aaron, RAAP Grants Manager 303.681.8152**