



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

Greg Lukianoff
PRESIDENT

Robert L. Shibley
VICE PRESIDENT OF
OPERATIONS

Samantha K. Harris
DIRECTOR OF LEGAL AND
PUBLIC ADVOCACY

Alan Charles Kors
CO-FOUNDER AND
CHAIRMAN EMERITUS

BOARD OF DIRECTORS

Harvey A. Silverglate
CO-FOUNDER AND
CHAIRMAN

William J. Hume
Joseph M. Maline
Marlene Mieske
Daphne Patai
Virginia Postrel
James E. Wiggins

BOARD OF ADVISORS

Lloyd Buchanan
T. Kenneth Cribb, Jr.
Candace de Russy
William A. Dunn
Benjamin F. Hammond
Nat Hentoff
Roy Innis
Wendy Kaminer
Woody Kaplan
Leonard Liggio
Herbert London
Peter L. Malkin
Milton Rosenberg
John R. Searle
Ricky Silberman
Christina Hoff Sommers

August 17, 2006

President Katherine Haley Will
Office of the President
Gettysburg College
300 North Washington Street
Gettysburg, Pennsylvania 17325

Sent via U.S. Mail and Fascimile (717-337-6666)

Dear President Will:

Thank you for your response to FIRE's April 11, 2006 letter regarding Gettysburg College's Sexual Misconduct Policy. FIRE writes again today seeking a firm commitment against the use of overbroad language in the school's policy, which requires "continuing and active" verbal consent for all sexual encounters, including "hugging" and "kissing."

While the attempt at instituting safeguards against sexual violence at Gettysburg College is commendable, the policy's current phrasing belittles actual sexual assault by equating acts of forced sex with hugging a friend without express verbal consent to do so. Moreover, the policy restricts far too much innocent behavior to be enforced fairly, since virtually everyone who engages in everyday intimate and affectionate behavior violates the terms of the policy. Who gets verbal consent to hug a friend and then continues to ask for it for the duration of the hug?

Furthermore, the Gettysburg administration has essentially stated that while the policy does exist and is enforced, it has not been implemented against people for merely hugging. Such a blatantly arbitrary approach to enforcing the rule disregards notions of fairness and accuracy and makes the policy enforceable at the whim of the administration. If the policy does not mean what it says, it should not exist in the first place.

In addition to FIRE's criticism of this policy, Gettysburg College has also garnered scorn from national media. For example, an article in the *Boston Globe* called the policy a "utopian attempt to remake human sexuality" that "infantilizes women." An article in *Human Events* referred to Gettysburg's policy as "the most comical" sexual misconduct policy in higher education (articles attached).

Gettysburg College must understand that the terminology currently employed in the Sexual Misconduct Policy is dangerously overbroad. FIRE believes that the issues presented here necessitate an immediate review and revision of the policy. We request a response on this matter by September 7, 2006.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Lukianoff".

Greg Lukianoff
President

cc:

James M. Weaver, Chairperson, Gettysburg College Board of Trustees

Robert H. Joseph, Jr., Vice Chairperson, Gettysburg College Board of Trustees

Jane North, Executive Vice President/Assistant Secretary to the Board of Trustees, Gettysburg College

Daniel R. DeNicola, Provost, Gettysburg College

Jeff Foster, Director of Student Rights and Responsibilities, Gettysburg College

Julie L. Ramsey, Vice President for College Life and Dean of Students, Gettysburg College

Patricia A. Lawson, Associate Vice President for Communications & Public Relations,
Gettysburg College

Cathy Young, Columnist, *The Boston Globe*

Encl.