



Community Bonding: Rebuilding Duke University and Durham, North  
Carolina to Promote Sexual Autonomy

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## Abstract

My central question asks how universities can engage with local communities to work towards increased sexual safety on campuses. Specifically, I first argue that universities can improve sexual safety on campuses by incorporating ideas about consent and sexuality from alternative sexual communities into safety initiatives. I then argue that universities can further improve sexual safety on campuses through engagement with off-campus business that are central to student life. Student activists and university administrators must reach outside the university to engage with local communities and unite against all forms of sexual misconduct.

I cast a wide net in Chapter One to look at the various notions of safety, consent, and gender in contemporary BDSM (bondage, discipline (or domination), sadism (or submission), and masochism) communities in hopes of finding new ways to restructure modes of thought around sexual assault and harassment prevention. I find that the normative response from Duke University (and their peer institutions) against sexual assault and harassment prevention to add more policy and review boards is not working. Chapter two brings readers back to the relationship between Duke and Durham to evaluate how restructuring sex education and community engagement can form a better response against sexual misconduct and improve sexual justice at its core.

My research led me to realize how important sexual autonomy is to community health. As it currently stands in the United States, policies, laws and ideologies around appropriate sexual conduct damage sexual autonomy. Our autonomy forms how we interact with our outside community, not just intimately but socially. Therefore, if Duke University wants to strengthen sexual justice on campus, they need to first invest in sex education to re-build students' sexual autonomy.

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## INTRODUCTION

In the United States, our sexual conduct, no matter our sexual identity, is regulated through laws and policies both on the federal and local level. The control over what is appropriate or inappropriate sexual conduct within the broader society of the United States is shaped by an overwhelming amount of laws, policies, and religious ideologies. On top of the constant redrawing of laws, policies, and ideologies, sex education in the United States remains stagnant. The current state of the development of the sexual self during adolescence perpetuates harmful social divisions found within other layers of society. And sexual harassment and misconduct policies vary within our workplace and academic institution. These policies are informed by attitudes of sex and gender and create how healthy a work environment can be. Harassment creates hostile work environments that disproportionately impact women. This work environment can be on campus, impacting the student's ability to perform well in his/her/their class. In severe cases, the student or employee might quit or drop out of school, forcing them to lose money, time and value as an individual. Constant exposure to hostile environments shaped by harassment are likely to lead to depression, PTSD, sleep issues, and so forth that not only impact victims, but also the people around them.

The Obama Administration prioritized the prevention of sexual harassment and assault on college and university campuses across the United States. In 2016, under the Department of Education, the Office of Civil Rights set to re-write and enforce new Title IX regulations for every private and public university receiving federal funds. During the same time college and university administrators were sorting out new regulations, student activism ramped up with the #MeToo movement.<sup>1</sup> In 2017, actress Alyssa Milano asked her Twitter followers to use the hashtag #MeToo if they had been sexually harassed

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<sup>1</sup> Anemona Hartocollis, "New Wave of Student Activism Presses Colleges on Sexual Assault," *The New York Times*, June 8, 2019, sec. U.S., <https://www.nytimes.com/2019/06/08/us/college-protests-dobetter.html>.

or assaulted; within 24 hours, the hashtag was used a half a million times.<sup>2</sup> Student activists adopted the #MeToo movement to pressure administrators to respond to sexual harassment and violence on campuses across the nation.

Despite the current rollback in Title IX regulations by the Trump Administration, the momentum on campus is carrying on. The vice president of student affairs and director of Title IX at Duke University coordinate efforts to create a healthy and safe campus void of sexual misconduct. For example, money and resources are poured into the student conduct board, training programs for staff and students, and educational sessions centered on breaking down harmful cultural concepts (such as toxic masculinity and consent). Resource centers such as the Women’s Center, Center for Sexual and Gender Diversity, and Duke Wellness have been created with the goal to work on solutions and provide material resources tailored to the individual needs of each Duke student on campus. Various resources are available to help students with physical health needs, emotional support, and wellness choices. In addition to the individualized care, these centers aim to shift the culture on campus away from individual misbehavior such as alcohol abuse and sexual misconduct to wellness (mental health, community, therapy and so forth).

However, Duke administrators also choose to selectively engage with Durham when it is in the best interest of the institution. For example, the Duke Real Estate Office strategizes space owned and leased around Durham to allow the institution to continue to expand and protect students, staff, and faculty. Duke University, along with its peer institutions, pack on more regulations, review boards, and

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Note: Tarana Burke, civil rights activist and African American woman founded the Me Too movement as a grassroots campaign to aid sexual assault survivors in underprivileged communities in 2006. Actress Alyssa Milano publicized the phrase on Twitter in 2010 in response to Rose McGowan’s rape allegation against Hollywood producer Harvey Weinstein. <https://metoomvmt.org/the-inception/>

<sup>2</sup> Sophie Gilbert, “The Movement of #MeToo,” The Atlantic, October 16, 2017, <https://www.theatlantic.com/entertainment/archive/2017/10/the-movement-of-metoo/542979/>.

programs to end sexual misconduct both on and off campus.<sup>3</sup> These initiatives aim to change the culture around themes that contribute to sexual violence: safety, consent, masculinity, and inclusion. However, these efforts end up falling short both because the university does not develop a positive vision of sexual community (instead preferring a defensive stand in order to avoid litigation) and because not all voices are represented during critical discussions surrounding how to control students' sexual conduct. In fact, many are deliberately excluded, as if sexual conduct and violence only affects students.

Sexual safety initiatives on campus can learn from tenets of alternative sexual communities, such as bondage, discipline (or domination), sadism (or submission), and masochism or BDSM, which can only happen through a rethinking of regulatory goals and the integration of campus and local communities. Specifically, incorporating lessons from BDSM can help campus sexual safety initiatives increase student knowledge about physical safety, consent, gender, and inclusion. And the inclusion of multiple voices and perspectives from various communities will help effectively address sexual assault and misconduct, and work towards true sexual autonomy and sexual justice on campuses.

My goal is to find alternative ways to build student sexual autonomy so that they can better engage with the Durham community as well as each other. Chapter one begins with what I believe to be critical in the revitalization of Durham in the early 2000's. Duke University's primary method of revitalization was, and still is, real estate development. Administrators' stated primary reason for pursuing this revitalization has been rooted in their notion of safety, expressed partly as "to prevent sexual assault from happening and protecting students from violence."<sup>4</sup>

I then look at how alternative sexual communities, specifically, BDSM communities, reconstruct key concepts found at the center of sexual justice policy and advocacy: safety from sexual assault and

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<sup>3</sup> For insight into what makes a 'peer institution' see: Andrea Fuller, "In Selecting Peers for Comparison's Sake, Colleges Look Upward," *The Chronicle of Higher Education*, September 10, 2012, <http://www.chronicle.com/article/In-Selecting-Peers-for/134228>.

<sup>4</sup> "Duke University 2016 Student Experience Survey," n.d.



violence, gender roles (particularly masculinity) and inclusion to help me think through what we, administrators and student activists at Duke, can learn in order to build a more inclusive and resilient sexual conduct policy. After I look into these concepts, I take the issue of rebuilding community and normative approaches to sexual justice back to Durham, NC in chapter two. The centerpiece of Duke student nightlife is a club in downtown Durham, Shooters II Saloon, in which there have been numerous reports of sexual harassment. Despite its dangerous reputation, Shooters remains popular with Duke students. While the club owner has expressed the desire to work with the Duke community to increase student safety, Duke administrators have declined to engage. I argue that this represents a failure of the Duke administration to engage the Durham community in a productive way that works towards achieving sexual safety for its students. Within the campus culture, Duke scholarship programs such as Residential Advisors negatively impacts how peers develop their community amongst each other by forming unequal social relationships among peers. While I heavily focus on Duke University, I compare a few examples from peer institutions to show that normative approaches to sexual misconduct are failing across higher educational institutions in the United States.

The idea for my project on sexual health and community come from my time on the Sexual Misconduct Taskforce and as a part-time student and full-time employee at Duke University. For this paper, sexual health refers to abstract constructs that help inform the goals Duke is trying to reach when administrators discuss combating sexual misconduct: notions of sexual safety, gender, inclusivity and finally, sexual autonomy.

## Chapter One

### Re-Building Duke's Sexual Safety Initiatives: Integrating Lessons Learned from BDSM into University Policies

Safety is considered one of the foremost concerns of college campuses and college towns across the US. In Durham, North Carolina, home to Duke University and a diverse community outside of the campus boundaries, "safety" has been a rallying cry of City Council representatives and Duke administrators alike. The revitalization of downtown Durham brought high-tech companies and new businesses and has been praised for reducing crime rates in Durham. Unfortunately, the revitalization has caused lower-income families to move further east, creating an even wider gap between them and Duke. The larger concept of safety correlates with sexual safety both on and off campus. For these representatives and administrators, "safety" means *to prevent sexual assault from happening and protecting students from violence*.<sup>5</sup> However, using economic reform to promote traditional family values and protect students from sexual violence and creates a false notion of safety.

Duke administrators and developers have conflated the danger of sexual violence with fear of the people who lived outside campus boundaries. The fear capitalized on a sense of danger associated with gang violence. In 2004, Griffith Film Theatre showed the documentary *Welcome to Durham* produced by Durham natives Cicero Leak and Courtney Conrad about the dominant gang violence in Durham, NC.<sup>6</sup> The word "rape" is commonly paired with the word "gang" so often, it implies rape can only happen by a gang of violent black men and not by educated wealthy white boys who attend a prestigious university such as Duke. The deliberate decision to show the documentary on Duke's campus only reaffirmed the fear of the violent black men who lived off campus in Durham. Showing the

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<sup>5</sup> "Duke University 2016 Student Experience Survey."

<sup>6</sup> Courtney Conrad ; executive producers a RDU 919 Music Group presentation ; story and concept, *Welcome 2 Durham* (Raleigh, N.C. : RDU 919 Music/Films, L.L.C. ; [New York] : Defend Films [distributor], c2007., 2007), <https://find.library.duke.edu/catalog/DUKE003778442>.

documentary in Griffith Theatre acted as a warning to students and administrators of what students would encounter if they ventured off campus into downtown Durham.<sup>7</sup>

Former President Brodhead along with Duke administrators, developers, and City Council representatives cited safety as the main drive for the revitalization project of downtown Durham. In 2008, four years after *Welcome to Durham* premiered in Griffith Theatre, Duke's Board of Trustees created the Durham and Regional Affairs office to "expand and deepen the university's engagement with Durham Public Schools, the City of Durham, local neighborhoods, nonprofits, and the region at large."<sup>8</sup> Duke's engagement plan included the expansion of Duke-owned land into downtown to house Duke offices, research centers, and a mix of retail and residential spaces. Since 2010, the Durham revitalization project shifted crime to East Durham away from downtown to attract high tech companies that drive out small businesses to buy their land for a cheaper price. While "safety" has been increasing as demonstrated by decreasing violent crime rates with gentrification of downtown Durham, Duke students have not been afforded the same increase in safety.<sup>9</sup> Over the same time period, Duke students reported a higher percentage of sexual assaults off-campus than on-campus (2018 SES p 13). Thus, Duke's investment in Durham engagement has not had the anticipated outcome: a safer environment for Duke students.

My solution to building a better community aims to include voices from outside the Duke community in conversations about sexual assault prevention had by Duke students and administrators. Specifically, the Duke administrations needs to engage with local business owners such as Kim Cates and the management at Shooters II Saloon because of the prominent role this establishment plays in the student culture at Duke. Additionally, Duke efforts to curve sexual harassment and violence should

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<sup>7</sup> "Film, Panel Detail Gang Violence in Durham," *The Chronicle*, accessed September 16, 2019, <https://www.dukechronicle.com/article/2004/03/film-panel-detail-gang-violence-durham>.

<sup>8</sup> "About Us | Duke Office of Durham and Regional Affairs," accessed September 16, 2019, <https://community.duke.edu/about/>.

<sup>9</sup> "2010-Durham-Crime-Comparative-PDF.Pdf," accessed December 19, 2019, <https://durhamnc.gov/DocumentCenter/View/2267/2010-Durham-Crime-Comparative-PDF>.

include a more holistic approach to building student's sexual autonomy. This is particularly relevant for college students who are a part of the larger Durham community, where the current approach to safety is review boards, surveys, and more policy. Thus, Duke's approach to increasing safety through bureaucracy, and the city of Durham's approach to increasing safety through gentrification are both fundamentally flawed. I suggest that concepts of safety, both on campus and in communities, must be rooted in sexual safety and guided by two central questions: (1) what are the impacts on sexuality within the local community when college campuses exist in a vacuum outside of the community in which they reside? And (2) can alternative sexual communities add value to sexual misconduct prevention on college campuses?

Sexual safety on campus can increase if we learn from tenets of alternative sexual communities, such as BDSM, which can only happen through integration of campus and local communities. I focus on BDSM because it captures a wide variety of knowledge of safety, gender, consent and inclusivity that are both unique to the experience of that one person and large enough to be relatable and applied to sexual justice activists in higher education. BDSM communities are centered around sex, desire and maximizing pleasure for both (or all) participants. Universities can model after the process of community development to teach students skills to have better sex and make more informative decisions surrounding relationships and intimacies. BDSM has challenged gender norms and notions of consent but like universities, capitalism has influenced the mainstream BDSM culture.

## The Safety Dance: Make Durham Safe Again

Sexual safety efforts on campus can use lessons from history of marginalized sexual communities to work to create safe spaces and increase physical sexual safety on campus. The current framework of sexual safety initiatives on campuses is flawed, however, because they perpetuate the creation of more review boards, conduct boards, and task forces instead of weaving in a diverse array of

voices from members of the local or alternative communities. Review boards, conduct boards and taskforces are problematic for a few reasons: in order to serve on any board, you must reach a certain criterion in relation to the university. For example, in order to serve on the conduct board at Duke University, you must be exempt status meaning, according to the Fair Labor Standards Act, Duke does not have to pay exempt employees over-time. Salary employees within the university are considered exempt status. This requirement automatically disqualifies any hourly employee interested in sitting on the student conduct board. Exempt and non-exempt status within the university has been trending to be the benchmark for authorized voices. Additionally, review boards and conduct boards function as a response approach to sexual misconduct allegations instead of preventative approach. Response approaches to sexual misconduct in higher education do not cut at the deeper issue that I raise in this thesis – student’s sexual autonomy. Higher educational institutions occupy a large physical and economical space in their respective towns. Geographic size, location, demographics, and population impact how institutions engage with their local community. Colleges and universities operate within state and federal regulations that create a certain type of privileged insulation from other outside institutions. This inherent privilege creates a class disconnect from poorly paid employees, as well as many citizens who do not work within the university.

But the protection barrier colleges and universities create fails to protect students from peer-to-peer sexual assault on campus. Sexual misconduct problems within higher educational institutions operate in the same insulated walls of the university, only involving the local police officials if deemed necessary. In the spring of 2013, fourth year Emma Sulkowicz filed a formal complaint against Paul Nungesser alleging he raped her in her dorm room the previous fall at Columbia University.<sup>10</sup> The conduct board cleared Nungesser of any violation, leaving Sulkowicz feeling unjustly persecuted by her

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<sup>10</sup> Vanessa Grigoriadis, *Blurred Lines : Rethinking Sex, Power, and Consent on Campus* (Boston : Houghton Mifflin Harcourt, 2017., 2017), <https://find.library.duke.edu/catalog/DUKE008012738>.

own university. She then went outside the confinement of Columbia and filed a report with the New York City Police Department (who did not pursue charges).

Institutions respond to sexual assault on campus with more training with the objective to give students' power to police their peers. Like many college campuses across the United States, Columbia offers their students bystander intervention training, Step UP! Bystander Intervention as a peer-to-peer initiative to stop sexual assault.

All of us are bystanders when we observe actions or situations that jeopardize someone's safety or well-being. One way to create a safe and healthy community is to be a "prosocial bystander" – taking action to help others.<sup>11</sup>

The basic premise is to teach students to step in when they see one of their peers either in danger of being violated or taking advantage of someone else. The tactic is to create a distraction long enough for the potential victim to leave. But this fails too! 85% of sexual assaults happen behind closed doors in private spaces.<sup>12</sup> The effectiveness is only temporary and in the moment.

Bystander intervention training focuses on what to do when students are out in public, usually at a bar, and they see two of their peers engaging in perceived non-consensual behavior. When Sulkowicz and Nungesser met during the fall of 2012, they were already engaged in a relationship with one another; this was not the first night they were going to have sex. Secondly, when they met outside her dorm room, it was just the two of them. Sulkowicz's assault, like so many others, was in a private setting and no bystander could intervene. Even if they were at a bar, the bystander training emphasizes first time hookups between semi-strangers. Sulkowicz and Nungesser developed a sexual relationship before this night, further complicating how or if bystanders would intervene in situations like theirs.

The sexual misconduct policy at Duke University is particularly flawed because it is robust and tight while containing specific definitions of consent, abuse, harassment, and assault. The highway map

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<sup>11</sup> "Bystander Intervention | Sexual Respect," accessed September 16, 2019, <https://sexualrespect.columbia.edu/bystander-intervention>.

<sup>12</sup> Grigoriadis, *Blurred Lines*.

of what resources are available creates isolation based on a person's status in relation to the university (undergraduate, graduate, professional, staff, etc.). The sexual misconduct policy is very detailed and overwhelming; yet, “considerable work remains to reduce the number of incidents of sexual misconduct and encourage students to report when it occurs.”<sup>13</sup> That considerable work needs to include how our fear instills harmful safety regulations.

Duke provides various initiatives on sexual assault prevention including workshops and trainings offered by academic experts on toxic masculinity, trans, P.R.I.D.E, and asexual communities to educate students on campus.<sup>14</sup> Duke dumps money and resources into these template programs instead of investing that money in rebuilding a community to include voices outside of the institution. Academics and primarily undergraduate students create these initiatives. For example, former Vice President of Student Affairs, Larry Moneta, created the Sexual Misconduct Taskforce to guide administrators in policy change. To be on the task force you must be invited and hold a monthly employee status (staff who are salaried as opposed to hourly or contract employees), or be enrolled as a full time student (those who pay the activities fee), and/or be related to the student affairs system.<sup>15</sup> The members of the taskforce are the voices who suggest and guide policy changes to the university's sexual misconduct policy as it relates to students. Housekeeping, employees who hold biweekly status, adjunct professors, and the likes do not fall within the approved voices. In order to implement policy change a person has to fall within a narrow frame approved by the head of student affairs and the Title IX compliance office. This narrow framework maintains a narration of similar ideas around sex.

Sexual misconduct policies regulate student sex conduct. Various offices within the larger institution heavily regulate much of the students' exposure to a sexual atmosphere; reframing whatever

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<sup>13</sup> “Duke University 2018 Student Experience Survey,” n.d.

<sup>14</sup> “Sexual Assault Prevention Training | Student Affairs,” accessed September 16, 2019, <https://studentaffairs.duke.edu/wc/programs-services/sexual-assault-prevention-training>.

<sup>15</sup> “Campus Organizations | Student Affairs,” accessed September 16, 2019, <https://studentaffairs.duke.edu/sexual-misconduct-prevention-and-response/make-a-difference/campus-organizations>.

form of sex education students received prior to entering college. The workshops and sexual misconduct policies do not include tenets of alternative sexual communities. This form of sex education cannot account for the “magic of trusting one person...” because they focus on “safety”: Safety from the public, lower class Durham citizens, safety from the parents and donors, and safety from Title IX.<sup>16</sup> Instead, sex education should focus on autonomy, pleasure, and desire.

Sexual misconduct prevention can be seen around college campuses across the United States. At Duke University, stickers sponsored by the Women’s Center hang in the bathroom stalls, informing students of various resources available to them if they or someone they know is being sexually assaulted or harassed. The Sexual Misconduct Task Force holds quarterly meetings to discuss the ongoing issues around campus in the Center for Gender and Sexual Diversity office, which sits visible to students and visitors in the Bryan Center. These trainings, countless meetings, and student involvement around campus are in response to the 1972 Education Amendment, known as Title IX. It states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.<sup>17</sup>

From its conception, Title IX now mandates any college and university receiving federal funds to comply with regulations regarding sexual discrimination on campus. These federal regulations, while necessary, create prevention initiatives that may not be the most effective in preventing sexual assault on campus. Colleges and universities regulate sexual conduct on campus out of fear of losing essential federal funding. They are keeping the institution safe from the federal government.

Since the creation of Title IX, schools are now required to address two forms of sex-based harassment: sexual harassment (sexual violence) and gender-based harassment. This requirement puts an enormous amount of pressure on universities to act, or they run the risk of losing essential federal

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<sup>16</sup> John Preston, “What Happened?,” in *Leatherfolk : Radical Sex, People, Politics, and Practice*, ed. Mark Thompson, n.d.

<sup>17</sup> “Overview Of Title IX Of The Education Amendments Of 1972, 20 U.S.C. A§ 1681 Et. Seq.,” August 6, 2015, <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>.



funding and credibility. The White House Task Force to Protect Students from Sexual Assault, which was developed by RTI (respond to intervention) and the Bureau of Justice Statistics (BJS), recommended that all colleges and universities, including Duke, create and implement the Student Experience Survey (2016 and 2018).<sup>18</sup>

The Duke Student Experiences Survey was conducted in the spring of 2016 then again in 2018 to measure sexual misconduct and Duke's campus climate in relation to sexual assault and harassment experiences on and off campus. The first survey primarily served to measure how students perceive Duke's campus culture and how many students experienced sexual misconduct while at Duke. The second survey was primarily used to measure how well Duke administrators did to improve campus culture and sexual assault prevention. The survey results show the continuation of more policy, review boards, peer policing are still not working. 70% of undergraduate, graduate and professional students were asked to take the survey and there was a 47% response rate. Across the board, Black/African American and Hispanic females reported a higher rate of experiencing sexual misconduct both before and during their time at Duke. The survey revealed many students had a low regard for Duke's procedures for responding to sexual misconduct.<sup>19</sup> After the survey, Duke administrators "modified and increased [their] training efforts during orientation and afterwards...and began to explore the use of behavioral science strategies to prevent sexual misconduct..."<sup>20</sup>

When Duke relies solely on policy, it stifles creativity and relationships between people. Sex laws and policies influence cultural norms and regulate what is and isn't appropriate, or normal, sexual conduct for citizens. When young adolescents are taught what good normal sex is within the narrow policies, any sexual conduct that falls outside of these norms is unusual, unnatural, and bad. Our sexual

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<sup>18</sup> "1.4.17.VAW Event.Guide for College Presidents.Pdf," accessed September 16, 2019, <https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Documents/1.4.17.VAW%20Event.Guide%20for%20College%20Presidents.PDF>.

<sup>19</sup> "Duke University 2016 Student Experience Survey."

<sup>20</sup> "Duke University 2018 Student Experience Survey."

misconduct policies at Duke University act as a standard that measures appropriate sex. Students might turn to the sexual misconduct policy as a guideline to understanding a sexual incident they experienced. Thus, laws and policies play a deeply entrenched role in students' personal and sexual lives. In a culture where restrictive and puritanical sex laws and sex education policies perpetuate normative male/female roles and a perception of sex that is centered on male pleasures, universities must use all of the resources at their disposal to work towards sexual justice for their students.

Sexual and social justice theorist Joseph Fischel analyses atypical sex in order to build a better sexual ethics less focused on consent in his book "Screw Consent: A Better Politics of Sexual Justice." A more ideal community developed out of Fischel's ideas would place affirmative consent based out of a co-determined sexual autonomy and restrict sex within certain vertical power structures.<sup>21</sup> In this community, good and bad sex aren't based in the current teaching of Abstinence Only Until Marriage (AOUM) projected through normative gender roles. Instead, people work together to determine what kind of sex they are going to have on equal grounds. They will also have access to sex educational resources and materials to play with their own and shared pleasure and desires. The education and partnership builds trust between people to try new things and knowing either person can change or stop at any point – preventing harm while having the freedom to access new sexual experiences not framed as assault or lesser forms of misconduct.

Instead of the current rigid structure within the university, I am proposing that university administrators take a different perspective. Namely, how can we adapt the concept of sexual safety, as it's understood in BDSM communities to our university policies?

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<sup>21</sup> Joseph J. Fischel, *Screw Consent: A Better Politics of Sexual Justice* (Oakland, California: University of California Press, 2019).

Let's look at how policy based in the notion of 'safety' has impacted the BDSM community during the AIDS epidemic in the 1980's. The concept of safety is paramount to BDSM communities and is rooted in its complex history. BDSM covers a wide range of alternative sexual behaviors including: Bondage, Discipline and Submission, Sadism and Masochism. For the purpose of providing historical context, I start with the uprising of the leather community in the 1950's in Southern California through current scene of the pansexual BDSM community in San Francisco today. While certain cities are cornerstones for the BDSM community, such as San Francisco, smaller communities can be found all over the country, including in Durham. The leather subculture emerged from motorcycle clubs and became a symbol for rebellion against the mainstream post World War II culture. The AIDS crisis in the 1980's was detrimental to the homosexual and BDSM community as a whole and created a shift and opening for internal risk-management and federal guidelines. These federal guidelines hinged on the normative definition of safety – the quality of not being dangerous or presenting a risk.<sup>22</sup> This leads to a formative question for this document; namely, what do normative definitions of "safety" from risk do to a community where risk is an essential component to pushing sexual boundaries and self-discovery?

BDSM communities have their own tailored notion of safety that works for the group based on their needs. Gayle Rubin recounts one owner of a popular gay and lesbian S/M club, Steve McEachern's attention to cleanliness as an important detail of safe sex in her essay, *The Catacombs: A Temple of the Butthole*.<sup>23</sup> The first Catacombs was in operation before the first reported case of AIDS was publicized by the Center for Disease Control (CDC) in 1981.<sup>24</sup> McEachern's notion of safety was not from a lack of understanding how S/M sex worked in his community nor was it from a lack of care about the people who had sex during his parties. In fact, McEachern based his techniques on his own expertise on how to

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<sup>22</sup> "Safety, n.," in *OED Online* (Oxford University Press), accessed September 16, 2019, <https://www.oed.com/view/Entry/169687>.

<sup>23</sup> Gayle Rubin, "The Catacombs: A Temple of the Butthole," in *Leatherfolk : Radical Sex, People, Politics, and Practice*, ed. Mark Thompson, n.d.

<sup>24</sup> "First Report of AIDS," n.d.

have safe S/M sex. His insistence on cleanliness added to the tranquility and standards of the community he built within his private club. Steve applied alternative techniques to keep his space and his friends safe from any harm as well as enhancing everyone's physical pleasure. Crisco was the choice of lubricant to avoid abrasions and eliminate any friction between bodies. Guests could expect a new set of cans to be placed out at arm's length for each party. Rubin recounts the entire surface of the space was permanently covered in a crisp sheen of Crisco. The emphasis on cleanliness ahead of the Acquired Immunodeficiency Syndrome (AIDS) crisis proved important for after Steve's death when the Catacombs closed.

Outsiders and regulatory officials never perceived sex within the Catacombs as safe because the CDC defined safe sex for an entire community they did not understand. The CDC intervened but it became damaging to the Catacombs because the constructs of safety were – and still are - shot through heteronormative views of sex. On June 5, 1981, the CDC published the first public article on AIDS. By the end of 1981, a recorded total of 337 people were living with severe autoimmune deficiencies. Of this sample, 130 died by December 31, 1981.<sup>25</sup> Research on homosexual men influenced the early formation of regulations around “safe sex” which reinforced legal discrimination and redefined “safe sex” in accordance with a perceived low-risk heterosexual sex. Not only was this impactful on the immediate community of the Catacombs, but it prevented others from engaging in creative intimate experiences because of the misconception that homosexual sex led to HIV/AIDS. The CDC is a research institution much like Duke University and other higher educational colleges and universities. It is important for this thesis to first look at how institutions interact with sexual alternative communities because it demonstrates how sexual safety is formed within an institution and how that sexual safety produces regulations that do not work. It also demonstrates how institutions create relationships with alternative sexual communities and other members of the general public. I want to apply how the CDC handled

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<sup>25</sup> “A Timeline of HIV and AIDS,” HIV.gov, May 11, 2016, <https://www.hiv.gov/hiv-basics/overview/history/hiv-and-aids-timeline>.

sexual safety during the AIDS crisis with how Duke University handles sexual safety both on and off campus.

After Steve's sudden death, his partner Fred Heramb reopened a second Catacombs that was in operation from 1982 to 1984. The CDC failed to build a partnership with Heramb to understand how sex worked in the Catacombs to prevent the HIV/AIDS virus from spreading. With the outbreak of AIDS, the CDC did not trust alternative methods of safety other than their own based on federally funded research. When the second Catacombs opened, Fred tried to replicate the intimacy before Steve's death.<sup>26</sup> However, the intimate sex within the second Catacombs was subjected to new policing and guidelines from an outside institution. The AIDS crisis authorized the CDC to implement "structural interventions that can be facilitators or barriers to effective human immunodeficiency virus (HIV) prevention and care activities" on the sex within this private space in the name of normative 'safety'.<sup>27</sup> The space was required to be clean according to the standards of the CDC. Condoms, gloves and other equipment were to be enforced in order for the space to survive within the new form of policing. Ultimately, the second Catacombs closed because Fred "did not want to police what people did."<sup>28</sup> As demonstrated through the construction of the Catacombs, Fred and Steve were not against safe sex. In fact, they were pro-safe sex but safety precautions are different depending on how people have sex. Fred demonstrated desire to know what safe sex meant to the CDC and adjusted to meet those needs. But neither establishment understood how to define sex within their respective desires and community.

The policy changes that emerge from sexual safety initiatives on campus mirror the same policy changes the CDC implemented on the Catacombs. In the same way that the CDC implemented procedures based on heteronormative notions of safe sex that eventually dismantled the Catacombs

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<sup>26</sup> Rubin, "The Catacombs: A Temple of the Butthole."

<sup>27</sup> "HIV and the Law | Law | Policy and Law | HIV/AIDS | CDC," November 26, 2018, <https://www.cdc.gov/hiv/policies/law/index.html>.

<sup>28</sup> Rubin, "The Catacombs: A Temple of the Butthole."

and all the social connections, sexual safety initiatives on campus ignore lessons from history of marginalized sexual communities and perpetuate fear of “unsafe” sex. The Duke Sexual Misconduct policy outlines safe sex to be completely sober, both people should be continuously communicating and reassuring of each other’s desires, a condom is being used at all times, and most importantly, the sex is safe if it is enthusiastically consensual.<sup>29</sup> . Heteronormative safety creates isolation and division from alternative communities or those who do not adhere to this definition of safe sex.

## The Myth of Masculinity

Sexuality is at the center of institutions’ efforts to maintain their hegemony. This obsession bleeds over into the general culture of the United States and into the ideology in smaller regions around sexuality. The heteronormative view blends gender binary norms with heterosexuality, often creating a divide, and contributes to the overall health of the surrounding community.

Gender – social constructs of masculinity – informs policy and behaviors within sex. Let’s look at alternative ways masculinity is constructed for sex. These mainstream concepts of masculinity are harmful for sexual safety on campuses. Let’s look at alternative approaches’ masculinity is constructed for sex within the leather community. Social constructs of masculinity within the leather community are continuously being redefined and challenged.

First, normative views of masculinity pressure boys and men to adhere to various myths about being physically and mentally strong. Men are supposed to be rational, not emotional, and are expected to fight in our country’s wars. They are more competitive, earn higher wages, and generally dominate women and children because somehow, they are inherently better. As a social construct, views of normative masculinity perpetuate gender inequality and bias that leads to toxic masculinity.

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<sup>29</sup> “Student Sexual Misconduct Policy and Procedures: Duke’s Commitment to Title IX | Student Affairs,” accessed September 16, 2019, <https://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix>.

If left unchecked, normative masculinity can turn toxic. Toxic masculinity heightens normative masculinity to a violent level. Toxic masculinity traits include violence that is primarily motivated by aggression, competition, revenge, and entitlement.<sup>30</sup> Men with toxic masculinity are more likely to perpetrate sexual violence against other men, women, children, and intimate partners. Toxic masculinity is often deadly when these traits are the driving force in policies, such as lax gun laws. Women in the United States are twenty-five times more likely to be killed by guns than women in other higher-income countries.<sup>31</sup> One out of every six American women has been the victim of an attempted or completed rape in their lifetime; three percent of African-American men have experienced an attempted or completed rape in their lifetime.<sup>32</sup> Those statistics point to a larger issue within gender violence that upholds gender inequalities within power structures.

Normative masculinity is tougher to deconstruct or even recognize because the traits are seen as beneficial in the business world. Men's gender ideologies impact how male administrators respond to sexual violence on campus. At Duke, the executive leadership team includes the president of the university, the deans of the ten schools and colleges, vice provosts, and top university administrators. Of the thirty-five administrators, twenty are men.<sup>33</sup> Until July 1, 2019, the office of student affairs and the office of institutional equity, where Title IX compliance lives, were both directed by men.<sup>34</sup> These two offices directly lead the Sexual Misconduct Taskforce. Normative masculinity shapes the power structures sexual safety initiatives are developed in and forms the structure of the institution.

Social constructions of masculinity are prevalent at Duke University. Duke continues to be nationally ranked by the NCAA as having the best basketball program in the nation. Year after year,

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<sup>30</sup> "What Is Gender Violence? | Student Affairs," accessed September 16, 2019, <https://studentaffairs.duke.edu/wc/gender-violence/what-gender-violence>.

<sup>31</sup> "The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief — Updated Release," n.d., 32.

<sup>32</sup> "Victims of Sexual Violence: Statistics | RAINN," accessed September 17, 2019, <https://www.rainn.org/statistics/victims-sexual-violence>.

<sup>33</sup> "Leadership Profiles | Duke University," accessed September 16, 2019, <https://duke.edu/about/leadership/>.

<sup>34</sup> "Office for Institutional Equity," accessed September 16, 2019, <https://oie.duke.edu/>.

Coach Mike Krzyzewski recruits top players from around the country to play for Duke before being drafted into the NBA. Duke basketball is deeply imbedded in the student experience both on and off campus. Walking in the Bryan Center Gothic Book Store you're met face to face with towering posters of each basketball player in a powerful, tough pose. Their intense gaze and sculpted physique models the peak form of athletic masculinity, displayed next to a stack of books featuring "Toughness: Developing True Strength on and Off the Court" by former Duke basketball player Jay Bilas.<sup>35</sup> The intentional display overshadows the bookstore directly to your left. On campus the "one and done" basketball players navigate their high social status and temporary academic standing as they await a chance to enter into a multi-million dollar contract in the NBA. The athletic form of masculinity creates a special kind of privilege of power for these basketball players and the other male athletes who succeed them. Now that we see it on campus, let's go back to BDSM to see how masculinity is deconstructed into something new.

Gender roles, particularly the various myths of masculinity, influence sexual behavior and beliefs. Thom Magister, author of "One Among Many" takes us through his personal apprenticeship becoming a Master<sup>36</sup> In his account, heteronormative views of masculinity are challenged in the hyper masculine Leatherman. First, in their community being heterosexual is not a prerequisite for being masculine. Secondly, contemporary masculinity and femininity tends to be binary with sexuality. Charlie fell into a community of men who were performing within the military "butch" form of masculinity as homosexual men.

In the 1950's, Thom met and became intimate with an ex-Marine named Charlie in Southern California. The leathermen identity incorporated a number of hyper-masculine qualities: dressing in military or black leather attire, joining a motorcycle club, and having sex in particular ways. This form of

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<sup>35</sup> Jay Bilas ; foreword by Mike Krzyzewski, *Toughness : Developing True Strength on and off the Court* (New York : New American Library, 2013., 2013), <https://find.library.duke.edu/catalog/DUKE005832624>.

<sup>36</sup> Thom Magister, "One Among Many," in *Leatherfolk : Radical Sex, People, Politics, and Practice*, ed. Mark Thompson, n.d.



hyper-masculinity was a part of Thom's sexuality. Thom described the New England homosexual culture he was exposed to growing up as: "limp-wristed, lisping sissies" and he "had no interest in those men at all."<sup>37</sup> Thom's perception of masculinity created a small closed circle void of any outsiders or "phonies." Masculinity post-World War II was in the midst of a crisis. Globalization caused company downsizing and created economic pressures that made it difficult for men to live up to society's form of masculinity, being the economic head of household. At the same time, men were coming "home broken...with nowhere to go and no reason to go there."<sup>38</sup> In Charlie's case, these men rejected society and formed a new community with each other. Within their group, masculinity was challenging societal relationship with masculinity and sexuality.

The power dynamics change based on the reconstruction of masculinity. For Thom Magister, the power "rests with the desired object," allowing for the slave to choose their Master and submit only when the Master proves to be worthy.<sup>39</sup> In the Catacombs, Steve structured his community from a top down, conditioning approach. Here, we see power elevated and spread out appropriately across the localized S/M community after the new member completes formal training and is accepted by the group. There is also a strong sense of individual power to seek the truth from within. Even now, Thom breaks down common misunderstandings of what a Master is. The "Fifty Shades of Grey" trilogy contributes to the ongoing misrepresentations of the Master's role in the mainstream media.<sup>40</sup> This role is painted to be natural, hyper-dominant and disregarding of their submissive's consent. He was not a "natural" Master but was required to be trained and skilled according to Charlie's desires. He not only had to prove himself to Charlie but to the entire group. The reverse role-play within Thom's community inverted the power dynamics to build trust and respect that better tracked consent.

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<sup>37</sup> Magister.

<sup>38</sup> Magister.

<sup>39</sup> Magister.

<sup>40</sup> Casey Gueren, "25 Facts About BDSM That You Won't Learn In 'Fifty Shades Of Grey,'" BuzzFeed, accessed September 16, 2019, <https://www.buzzfeed.com/caseygueren/ultimate-guide-to-bdsm>.

Duke student activists try to redefine gender without looking at tenets of BDSM. Teaching historical lessons from BDSM interrupts normative sexual safety initiatives. The Men's Project at Duke offers a course on Toxic Masculinity that primarily focuses on identifying toxic masculinity within themselves and the violent traits within our larger United States culture.<sup>41</sup> The Men's Project should incorporate alternative takes on masculinity to break down the binary of masculinity and violence. Alternative masculinity relies on the confrontation of binary gender norms. Consent is constantly being redefined in relation to our binary gender culture that encourages male sexual accomplishments while simultaneously expects women to be chaste, or at least very selective and secretive about their own sex lives.

## The Consent Paradigm

The concept of consent in BDSM is essential to sexual safety, and this concept should be integrated into campus sexual safety initiatives. University students are vulnerable to sexual assault. Every student arrives on campus with radically different backgrounds in sex education, experiences, and interpretation of consent. This dynamic contributes to the higher percentages of sexual assaults that take place in the first semester of students' undergraduate years. First year undergraduate students are uprooted from a multitude of backgrounds and ideologies surrounding sex and transplanted to a college campus filled with new people, raging hormones, and a new profound freedom.

The United States does not have federal regulations on sex education. The twenty-two states that offer sex education often leave the curriculum up to the school district; information can vary between school districts. Most states offer abstinence only until marriage programs and often, the

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<sup>41</sup> "Programs & Services | Student Affairs," accessed September 16, 2019, <https://studentaffairs.duke.edu/wc/programs-services>.

information is medically inaccurate.<sup>42</sup> The abstinence-only model does not leave room to discuss consent with students or even teach them the communication skills to have that conversation; by definition, only marriage is consent. It gets more complicated as international students bring entirely new cultural and religious backgrounds into their perspectives on sex and consent. These various student populations complicate consent policy within the university. Graduate and professional students, both domestic and international, further complicate policies because they are older and generally more experienced. Most have been in the workforce, and they work directly with faculty members to obtain their degrees. Graduate and professional students work within a vertical power structure in the university and are open to higher-risk vulnerability if the relationship is violated. Undergraduate students are certainly vulnerable in their own vertical power relationships with professors and/or administrators, but most of the cases around sexual misconduct amongst undergraduate students involve peer-to-peer violations. Sex education in the United States varies dramatically across and within states. Sex education across international students adds to the inconsistency and creates disorientation on campus.

Institutions attempt to create consistency within their own consent education trainings when students first arrive on campus. Yet, institutional attempts to re-educate and enforce new policies and ideas end up failing to prevent sexual assault. Sexual activism and policies hinge on the constant re-defining of what consent is for each individual in a sexual encounter. If both people agree or consent to sex, then the sex is permissible by law and is generally accepted socially. This model of consent, the idea that two people agree to sexual activity without ambiguity, creates the standard for good, healthy sex. The majority of student conduct cases focus on this consent paradigm but, as Joseph Fischel argues in *Screw Consent: A Better Politics of Sexual Justice*, consensual sex should not, and does not, permit any

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<sup>42</sup> Susan Frelich Appleton and Susan Ekberg Stiritz, "The Joy of Sex Bureaucracy," *CALIFORNIA LAW REVIEW* 7 (n.d.): 18.

and all sexual acts.<sup>43</sup> Our understanding of the meaning of consent influences court cases as well as student conduct cases; often still leaving the survivor in a vulnerable position to not be vindicated.

Ideas of consent upheld by university policies have real-world impacts on students. For example, when Columbia University student Emma Sulkowicz accused Paul Nungesser of rape, she claimed they both agreed to oral and vaginal sex but not anal.<sup>44</sup> Sulkowicz argued she did not consent to anal sex but because she consented at the beginning of the night, the conduct board ruled in Nungesser's favor. Consent failed to fully protect Sulkowicz against the kind of sex she did not want - the assault she experienced. The sexual harassment and assault regulations in the United States as a whole and in higher education failed Emma Sulkowicz. When the conduct board ultimately ruled in Nungesser's favor, Sulkowicz, a performing art student, decided to carry her mattress around Columbia "...every day until the school expelled the student she said had raped her."<sup>45</sup> Sulkowicz would go on to write her senior thesis entitled "Carry That Weight" and incorporate her experience into her performance art as an anti-rape activist. Consent and Columbia's failure to enforce their standards was the platform of her activism.

Higher educational institutions and our society must provide sex education that is medically accurate, pro-erotic and free of homophobia. Ideally, this education would be provided in middle school and continue throughout high school. In a nation with no federal regulated sex education, most states opt for Abstinence Only Until Marriage. These uneducated students grow up to be active members in the broader society. When students come to college, each of them carries their own misconceptions of sex full of norms, medically inaccurate and they lack the skills to make good decisions about their own sex and intimacy. University policy open to different ideas of consent might have protected Sulkowicz from the ruling of Columbia's conduct board.

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<sup>43</sup> Fischel, *Screw Consent*.

<sup>44</sup> Grigoriadis, *Blurred Lines*.

<sup>45</sup> Grigoriadis.

Duke University and their peer institutions keep packing on more policies, review boards and behavioral education models to determine consent instead of evaluating if consent is the right pathway towards sexual justice. The office of student conduct handles sexual misconduct cases in which a student decides to file a formal complaint and challenge the defendants standing within the university. Title IX office within universities is in charge of ensuring that the university is in compliance with federal regulations. While student conduct boards are advised by experienced lawyers, the decision is ultimately decided by how a diverse group of students, faculty, and staff interpret consent.

Fischel argues consent as the primary concept in our sexual justice and activism diminishes and distorts sexual justice.<sup>46</sup> When consent is discussed in legal cases or even activism, it continuously gets re-defined within specific parameters; “yes means yes!” For example, enthusiastic consent requires enthusiasm in order to be legitimate. However, enthusiastic consent doesn’t guarantee good sex and by condition, any sex that was had without enthusiastic consent is assault. Here’s an example of how enthusiastic consent fails: In the spring of 2018, Vice President for Student Affairs Larry Moneta sent an email to all students asking to participate in the Student Experiences Survey with the subject line: “Good sex.” His opening line reads:

...[W]hy did I put "Good Sex" in the subject line? Because good sex is always consensual and among our goals at Duke is to eliminate all forms of sexual misconduct which means eradicating non-consensual sexual encounters.<sup>47</sup>

Whether consent is enthusiastic, affirmative or passive, our policies and culture “[eradicate] non-consensual sexual encounters” cannot be based on the concept of consent alone. Sex can be good, really good, without consent and it is not assault.

Consent as the key criterion for “good” sex does not account for actual painful encounters or if a rape survivor orgasms during their experience. Consensual sex can be bad and painful, especially for women. Consent cannot address or fix these deeper issues that can arise from a really bad experience.

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<sup>46</sup> Grigoriadis.

<sup>47</sup> Moneta, Larry. Sent through official Duke email on April 18, 2018

Instead, the current debate on consent results in a binary division of sex into “good sex” or assault. Of course, the reality is that a continuum exists between these two extremes and sex, especially for women, cannot be worked out in this binary. Would Emma Sulkowicz have accused her partner of rape if she had enjoyed the encounter? It is impossible to know; but because consent hinges on her pleasure, she wasn’t able to work out what happened that night when sexual activism and misconduct policies divide sex into “great” and “rape”. This portrayal teaches us, young adolescents, this is as good as it gets, even if it’s painful and unpleasant or just OK.

Fischel imagines a world where access to better sex education and decision making skills will promote sexual autonomy “of people across the range of physical and cognitive abilities” and yield a better sexual justice.<sup>48</sup> In order for this to be achieved, we must have better access to sexual education programs that foster pleasure and teach skills for people to make better sexual and intimate decisions. This access will shift our sexual culture away from unwanted and bad sex and towards democratic hedonism. He reconfigures philosophical ideas of autonomy from the Kantian un-coerced moral individual to the persons whose decisions are based on their access to sexual pleasures and relationships. Their autonomy is thus, the “capacity for creative interactions.” Fischel defines sexual autonomy as “the capability to co-determine sexual relations.” He suggests one way to promote sexual autonomy is through affirmative consent.<sup>49</sup>

Affirmative consent diminishes silence and force and requires a person to give additional verbal or bodily indication of their willingness to engage in sex. Consent is still important but only with public funding of accurate sex education and workshops to teach young people of all physical and cognitive spectrum.

Higher educational institutions should incorporate ideas of Fischel’s argument about sexual autonomy and BDSM consent (sex that is uncoerced and codetermined to maximize each persons

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<sup>48</sup> Fischel, *Screw Consent*.

<sup>49</sup> Fischel.

desires and pleasures) in their sexual safety initiatives. Sexual safety initiatives should focus on self-care: better masturbation, better communication skills, better access to birth control and community building. Duke undergraduate students already attempt to rebuild sexual autonomy. The student group called PASH, Peer Advocacy for Sexual Health, discusses sexual health and relationships in a “safe and empowering environment.”<sup>50</sup> PASH is designed more inline with Fischel’s democratic hedonism. This group is open to anyone to facilitate better relationships, access to and information about sex toys, birth control, and bodily health. Nevertheless, this is a student group without the funding and authoritative endorsement to influence the normative sexual culture that leads to the bad sex and assault universities aim to prevent.

Instead, Duke University mandates all incoming students to take a sexual misconduct course that features bystander training, consent and abuse supported by several examples.<sup>51</sup> Most students complete the mandatory online course by the time they arrive on campus. While the initiative shows Duke’s willingness to curb sexual assault and various misconducts and promote the safety of all students, this training can be better tailored to reflect democratic hedonism; an environment where desires and pleasures are still regarded as the ultimate good, but how people achieve those requires all participants to have an equal voice in the decision making. It fails to teach communication skills. First, the training should be required in-person course all students must take before graduation. Incorporating historical and contemporary lessons from BDSM can help campus sexual safety initiatives increase student knowledge about physical safety, consent, gender, and inclusion. Let’s look at how BDSM builds communication skills.

In BDSM, social contracts between partners require the communication skills needed to achieve the desired mutual sex. Students don’t need to be into bondage, domination, sadism, leather, or any

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<sup>50</sup> “PASH Chat | Student Affairs,” accessed September 16, 2019, <https://studentaffairs.duke.edu/duwell/wellness-activities/pashchat>.

<sup>51</sup> “Programs & Services | Student Affairs.”

other kink encompassed in BDSM to have the pleasurable sex they desire. What they can learn is how some of these sub communities create their social environments. In Southern California in the 1950's, Thom Magister was accepted into and taught how to be a Master in his small leather community with veterans and motorcyclist.<sup>52</sup> At the time, courtship was expected as part of the "code" men in S/M followed within the community. When Charlie chose Thom to be his master, he went through formal training with JJ, Charlie's trusted friend. Formal training creates a power hierarchy within the community that Thom was expected to take seriously and respect.

## The Evolution of Exclusivity in the BDSM community: How Technology Impacts Communities

Both BDSM communities and university policies can create a certain amount of exclusion based on various aspects of desire and need. New technology contributes to the increase of awareness to the creation of identity groups to create a larger representation of the LGBTQIA+ and heterosexual identities. While technology increases representational inclusivity, technology and capitalism have created a divide in the BDSM community just as it has in the university setting.<sup>53</sup>

Another source of sexual assault/lack of sexual safety on campuses is exclusion of class. A pertinent example of this is Margot Weiss' recounting of the 2011 BDSM culture in San Francisco in her ethnography, *Techniques of Pleasure: BDSM and the Circuits of Sexuality*.<sup>54</sup> Her ethnography highlights the ways in which capitalism and technology have influenced the community as a whole. Weiss demonstrates how technology has allowed more people to access the BDSM community in San Francisco and has grown to be more inclusive across LGBTQIA+ and heterosexual identities. I want to

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<sup>52</sup> Magister, "One Among Many."

<sup>53</sup> Margot Weiss, *Techniques of Pleasure : BDSM and the Circuits of Sexuality* (Durham : Duke University Press, 2011., 2011), <https://find.library.duke.edu/catalog/DUKE005200956>.

<sup>54</sup> Weiss.



focus on how access to the broader BDSM communities in San Francisco through technology creates a kind of inclusivity and centralization that are lacking in Duke's sexual justice policies. Right now, there are many avenues available depending on your status within the university and within the Durham community. A person's access to sexual health resources change depending on your status within Duke University and Durham. A part-time student at Duke does not have access to the Counseling and Psychological Services or student insurance to cover medical appointments because they do not pay certain student fee's like full time students. Part-time students don't even have the option to pay the necessary student fees to opt into services that could provide essential care for students who have experienced sexual assault or harassment. The same is true for a member of the Durham community. Educational materials and trainings provided by the Women's Center, Center for Gender and Sexual Diversity and other offices within student affairs are not available to the public even though they can be beneficial for the community health of Durham.

Weiss takes readers through the BDSM community in San Francisco in the early 2000's to demonstrate how modern technology highly influences the BDSM community as a whole, but especially in the tech capital of San Francisco. Technology allows the BDSM community to be more visible to the public to counteract misconceived notions and open up the opportunity to attract new members. The internet allows information about the various communities to be readily available to provide more opportunities for members to socialize. In addition to bringing members together, social media has been used to introduce new people into the various communities either for play or educational purposes. For example, Munches are regular gatherings in public spaces open to newcomers and regulars to serve as a casual place to get to know one another without SM play, nudity or fetish attire.

The booming tech industry in the Bay Area has allowed this "new guard pansexual bdsm community" to cultivate its relationship with capitalism, rather than to conflict.<sup>55</sup> With all the members

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<sup>55</sup> Weiss.

involved in the tech industry in a concentrated area, money and resources bring the latest sex toys and other trends into the heart of this community. The new pansexual community is more inclusive across genders and race but closes the gap for a variety of socioeconomic statuses. Experts now host workshops for money in exchange for an informational session as opposed to hands on training like JJ and Thom. Toys and workshops have eliminated most of the old guard intimacy and word-of-mouth discovery into these spaces. Capitalism has built a plastic barrier around human contact. John Preston writes:

Leathersex has...lost its edge. It's been codified, measured, and packaged. The magic of trusting one person, a mentor, and letting those one-on-one bonding spread out until a brotherhood was formed has been replaced with impersonal how-to manuals.<sup>56</sup>

The "normalcy" Weiss describes in her first experience at the Byzantine Bazaar reveals how new identities of practitioners deeply connected "to the subject positions produced within late capitalism."<sup>57</sup> Practitioners have always passed on techniques but what has shifted is passing down a culture through human contact. Ultimately, technology has allowed for the commodification of BDSM knowledge.

## Conclusion

How we form policy is important to the life of the community. Our sexual assault and harassment policies within higher education and at the state and federal level are not working. Our notions of safety influence the conversations administrators and students are having around sexual misconduct on college campuses. Despite limitations within BDSM communities, centering 'sex' as a core value creates healthier sexual boundaries. Sex is acknowledged, cared for, talked about and explicitly experienced as part of the human connection in these communities that occupy a larger culture where the sexual assault and harassment policies fail. Alternative sexual communities are useful

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<sup>56</sup> Weiss.

<sup>57</sup> Weiss.

in restructuring our ideology around sex. A healthier sexual community shapes policies that yield to better sexual justice.

## Chapter Two

### Re-building the Duke and Durham Community to Strengthen Sexual Autonomy

Sexual justice comes when people are capable of co-determining their personal intimacy and relationships. As it currently stands, sexual justice policy and advocacy within higher educational institutions and federal law focus on external abstract concept of consent, safety, and peer-to-peer intervention. At the foundation of sexual justice policies are concepts, often overlooked, of the sexual self and how the sexual self relates to the outside community. Before sexual justice advocates can focus on fixing external issues such as gender, class and/or racial inequality, we must consider the social construction of sexual autonomy.

Martha Chamallas analyses three decades of various laws regulating sexual conduct on the state and federal level in *Consent, Equality, and the Legal Control of Sexual Conduct*.<sup>58</sup> The laws surrounding sexual conduct both on the state and federal level in the United States reflect ideologies of what the generation in power at the time of their passage deemed appropriate. Chamallas conceptually characterizes the laws into three ideologies: the traditional, liberal, and the egalitarian view.<sup>59</sup> The traditionalist perspective views sexual conduct as acceptable only within the confines of marriage. The liberal perspective views sexual conduct as a private matter outside of government control. From the rise of liberal laws, the concept of consent emerges as a demarcation of legal and illegal sexual conduct and replaces the bounds of marriage. Finally, the egalitarian view brings sexual conduct back to the law and focuses on building equality between sexes.

Colleges and universities generally take liberal and egalitarian perspectives on sex despite changes in the perspective of the federal government, which has, under the Trump Administration,

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<sup>58</sup> Martha Chamallas, "Consent, Equality, and the Legal Control of Sexual Conduct," *Southern California Law Review*, no. 4 (1988 1987): 777–862.

<sup>59</sup> Chamallas.

reverted to a traditional perspective.<sup>60</sup> Duke University, for example, emphasizes “community” standards and hinges on the liberal concept of consent to separate “good” sex (always consensual) and “bad” sex (not consensual) punishable by the student conduct board. The director of Title IX compliance partners with top administrators within The Office of Student Affairs including members of the conduct board to create the community standards primarily for students but also faculty and staff. The groups that create and guide these standards create an echo-chamber effect by closing off access from outside members of Duke and people with certain statuses within the university (part-time student, hourly employee, contract, House Staff and the like). The same theories defining sexuality and appropriate sexual conduct standards continuously circulate. The result is limited ideas of what constitutes as appropriate sexual conduct and prevention methods, which has proven to be ineffective because sexual assault and misconduct still happen on campuses. Thus, systems of sexual oppression continue to thrive in campus communities.

Classism and exclusion are two systems of oppression that are present in Duke’s sexual misconduct policy. Sex education without consideration of diverse perspectives leads to ideological divisions centered in normative views of sexuality. To effectively address sexual assault and misconduct, and work towards true sexual autonomy and sexual justice on campuses, the university must draw on multiple perspectives. I suggest that integrating voices from the greater off-campus community best does this. Duke must partner with the Durham community to learn how best to provide equitable and accessible sex education and resources in order to genuinely work towards sexual justice.

Restructuring the Duke and Durham communities and promoting engagement of perspectives from the wider community will help dismantle systems of oppression on campus and promote true

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<sup>60</sup> Ariana Eunjung Cha, “Big City Health Officials Decry Trump Administration’s Cuts to Teen Pregnancy Prevention Programs,” *Washington Post*, August 9, 2017, sec. Health, <https://www.washingtonpost.com/news/to-your-health/wp/2017/08/09/big-city-health-officials-decry-trump-administrations-cuts-to-teen-pregnancy-prevention-programs/>.

sexual justice. Because working within the canonical systems of oppression that have been perpetuated on campuses will inevitably fail, campus communities must work with local communities to dismantle these systems, reshape conversations around sex and sex education, and increase sexual justice for their students.

Section one makes the case for giving students control over their sexual conduct. So long as resources and materials are available to the broader community, giving students control over their sex lives will allow them to better engage with each other and others who are not affiliated with the institution. Sections two and three bring us back within the confines of campus to focus on how adolescent psychology growth can be achieved through an in-person human sex education course that centers on pleasure and desire. A holistic sex education teaches students to approach sex and sexual desires with respect and build towards a mutually pleasurable experience free of coercion. Respecting others' desires and pleasures creates tolerance and understanding for different ideologies outside of sexual conduct. The third section makes an argument for why Duke should abolish the traditional Residential Advisor role in dorms and other campus housing facilities. This peer-to-peer power structure juxtaposes the idea of adult authority against adolescent students to hinder social and sexual growth needed for a healthy sexual autonomy as well as a strong student community where they can trust one another. In my final section, I identify Shooters as a key stakeholder in the larger Duke – Durham community and plead for Duke University to engage with the notorious Durham nightclub to combat sexual assault and harassment. When Duke students venture outside of campus and into Durham, this is the most popular and ingrained social spot. Duke administrators and student activists alike find the hedonistic nightclub problematic and a major contributor to the student's sexual harassment and assault experiences both on and off campus. Instead of working to keep students from going to the establishment so ingrained in the Duke culture, administrators and students should partner with the owner and management to include them in conversations and policy changes.

## Sexual Autonomy & Why It Is Beneficial for the Community

Giving students control over their sex lives is good for the institution and community as a whole, so long as resources and materials are available to the broader community to fit their needs. Sexual autonomy is the ability to co-determine decisions about sexual intimacy and relationships in relation to the other person or persons involved to access a deeper form of pleasure.<sup>61</sup> This form of autonomy challenges normative power structures by taking back control over self-conduct. Sexual autonomy builds communication skills to create the social equality that is necessary for sexual decision-making with flexibility in allowing decisions to be revoked or modified. Notably, the development of sexual autonomy results in the increased “personal agency, interpersonal intimacy, and social advocacy”—all qualities that create better citizens as well as better lovers.”<sup>62</sup> Thus, enhancing sexual autonomy is crucial not only for the development of interpersonal relationships but also in developing the self as a social and political being.

Sexual autonomy does not occur “naturally” and must be taught to young adolescents as part of their psychological growth, ideally before they reach college age. However, higher education institutions can serve as a second chance to correct the dangerous traditional view students often receive either from their parents, church, or middle schools that uphold patriarchal-male centric pleasures.<sup>63</sup> The responsibility and ownership over the student’s sexuality and agency shifts from the parent to the school once they reach campus. College campuses across the nation have problematic and toxic cultures surrounding sexual conduct. A notable study from the National Institute of Justice released “The Campus Sexual Assault (CSA) Study” in December 2007. According to the CSA, three factors that increase risk of sexual assault are: Membership to a sorority, the first few months of the school year are the highest risk

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<sup>61</sup> Fischel, *Screw Consent*.

<sup>62</sup> Appleton and Stiritz, “The Joy of Sex Bureaucracy.”

<sup>63</sup> Chamallas, “Consent, Equality, and the Legal Control of Sexual Conduct.”

(for freshman and sophomores), and off-campus parties.<sup>64</sup> At Duke, the male-centric pleasures present in “hook-up culture” and toxic masculinity manifest themselves inside the popular Durham nightclub Shooters II (Shooters).<sup>65</sup> Shooters atmosphere consists of cheap beer and liquor, a mechanical bull, cages suspended above the crowd for dancing, and really dim lighting. Because of the prevalent reports of sexual misconduct off campus, we can draw the conclusion that Duke is not teaching its students sexual justice correctly because sexual autonomy isn’t promoted. If the schools are expected to be responsible for their students’ “safety,” then institutions have a moral obligation to equip students with the skills to take ownership over their sexual agency; instead of determining who is responsible for misconduct in an institution framed by paternalism and risk reduction of sexuality.

**“Sexual autonomy, relationally reconceived, is attentive to broader social and material opportunities for the realization of intimate and sexual choices, and is thus irreducible to individual consent.” – Fischel**

In order to have stronger sexual autonomy, access to educational and material resources must be easily available to the broader community. With equal access to resources, institutional and social norms on race, gender, and class can all be challenged at once. Personally, the sex education I received in the seventh grade focused on my value as a pure woman (or soon to be woman) in society and in God’s eyes. The curriculum also taught young girls men will be aggressive but we must remain chaste for God and our future husbands. If we were to have premarital sex, it will be painful and we will likely contract a form of STD or STI at best or pregnant at worse. The lack of holistic sex education policy in the United States disproportionately impacts girls, youth of color, any member of LGBTQIA+ and youth with disabilities. For an example, the correlation of drop out and teen pregnancy is particularly high for young

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<sup>64</sup> Christopher P Krebs, “The Campus Sexual Assault (CSA) Study,” no. 2004 (2005): 111.

<sup>65</sup> Male-centric pleasures in Shooters – Dancing cages are suspended above the dance floor for young girls to dance in. These cages are psychically separated from the rest of the crowd to draw attention to those who are dancing in them: typically young, drunk girls in skirts or dresses.



women with intellectual deficit.<sup>66</sup> Ignoring sexual desires of women with mental disabilities not only denies them the basic human right to pleasure but also devalues them as a whole person. Women with mental disabilities who are not equipped with education tailored to their access needs are more likely going to have painful and/or unpleasant sex that could result in pregnancy. Because basic sex education policy is so limited, young girls from low-income families within with in marginalized groups are now forced to drop out of school when they get pregnant. The limited access to education and material goods contributes to the cycle of poverty, pregnancy, and incarceration rates for poor and working-class youths. Tax money spent on juvenile detention centers, pregnancy and newborn health care, and other government programs negatively impacts the community as a whole as the financial burden is largely placed on the working- and middle-class community. True sexual justice cannot be achieved when sex education for lower- and middle-class students are different than students from the upper class. Those who are particularly vulnerable are the most likely to be victimized in the current system.

Reproductive rights have taken a major hit since the start of the Trump administration with severe cuts to teen pregnancy programs, defunding of Planned Parenthood and rollback on Obama-era Title IV policy.<sup>67</sup> By defunding programs contrary to heterosexual conduct within the bounds of marriage, the Trump administration “perceive[s] the law as an important mechanism for expressing moral values and maintaining a morally decent society”.<sup>68</sup> Private Universities attempt to better students’ sexual autonomy but fail to integrate the needs of the outside community. For example, In 2017 Stanford University installed a “wellness” machine stocked full of My Way®, an emergency contraception pill and the generic version of Plan B as well as internal and external condoms, pregnancy

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<sup>66</sup> Michelle Fine and Sara I. McClelland, “Sexuality Education and Desire: Still Missing after All These Years,” *Harvard Educational Review; Cambridge* 76, no. 3 (Fall 2006): 297-338,437.

<sup>67</sup> Cha, “Big City Health Officials Decry Trump Administration’s Cuts to Teen Pregnancy Prevention Programs.”

<sup>68</sup> Chamallas, “Consent, Equality, and the Legal Control of Sexual Conduct.”

tests, and other items.<sup>69</sup> Stanford is promoting reproductive rights and dignity for students to co-determine what is the best option for their sexual health. The wellness machine is a mixture of individual and relational product choice not widely available or socially acceptable in the larger culture. Thus, Stanford's wellness machine fails to develop the kind of sexual autonomy that is interested in including the material needs for the outside community.

Stanford's wellness machine strengthens sexual autonomy of students, and the larger Stanford community on campus. The student government campaigned for three years to have the wellness machine installed to protect students' dignity, provide basic birth control, and address other sexual health needs. On-campus hours of operation provide easy access to the emergency contraceptives when students need them the most (likely on weekends), and the machines do not require human contact: "Some of the students said that they found it stressful and embarrassing to visit a drugstore or the health center." In addition to anonymity, My Way<sup>®</sup> is kept at an affordable cost of \$25. To keep the cost more affordable than drugstores, Stanford's "student government and the university reached an agreement: Each would pay half the cost of the machine." Within the campus setting, all peoples have access to the wellness machine regardless of their status within the university.

However, the larger public does not have access to this privilege and has to rely on the local drug stores to carry Plan B or a generic version. Healthcare operates as a system of oppression when sex laws obstruct certain sexual conduct impacting basic reproductive and sex rights. Stanford, a private institution that operates in a vacuum outside the Bay Area, consequently contributes to the obstacles the general public faces when obtaining these "legal" sexual health resources because this privilege is only offered to the students. Preliminary data from the American Society for Emergency Contraception

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<sup>69</sup> "Emergency Contraception Options | Office of Sexual Assault & Relationship Abuse Education & Response (SARA)," accessed September 18, 2019, <https://sara.stanford.edu/get-help/medical-options/emergency-contraception-options>.

shows that “of the 133 pharmacies visited in 22 states, 41 percent did not have Plan B or a generic version on the shelf.” Even if emergency contraception is available, “one-third of the individuals canvassing the pharmacies were told that identification would be required to purchase the medication, and 22 percent were told that there is an age restriction. Neither is true.”<sup>70</sup> Mass confusion, false information, and lack of access to emergency contraceptives perpetuate damage to sexual health and stunt the development of sexual autonomy for large segments of the public. Stanford is combating national trend towards the suppression of reproductive rights and control over sexual conduct but only within the confinement of their walls, leaving lower-economic communities vulnerable.

## Identifying Shooters II Saloon as a Stakeholder in Duke – Durham Community Engagement

Duke fails to integrate Kim Cates and management of the popular Durham nightclub, Shooters II Saloon (Shooters) in the conversations surrounding sexual misconduct prevention on and off campus. Shooters is a hedonistic nightclub that fosters sexual relationships and blurs social boundaries amongst Duke undergraduates, graduates, and professional students. The establishment, owned by North Carolina native Kim Cates, has been in business and a Duke staple, since 1996 and employs 30 local Durhamites.<sup>71</sup> Shooters has become so ingrained in the social lives of Duke students that it is considered to be a part of the Duke experience. Each subset of the student population has their own designated Shooters night. Fuqua and Law go on Thursday and Friday nights while nomadic graduate school students float between those two days. Wednesday night is undergraduate night. During reunions weekend, alumni proudly sport their “I Heart Shooters” t-shirt and completely take over the establishment. To prevent drunk driving, Shooters even goes so far as to provide a free shuttle to bring

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<sup>70</sup> Christina Caron, “Students Look to Vending Machines for Better Access to Morning-After Pill,” *The New York Times*, September 28, 2017, sec. U.S., <https://www.nytimes.com/2017/09/28/us/plan-b-vending-machine.html>.

<sup>71</sup> “Letter: Kim Cates Responds to Town Hall about Shooters II,” *The Chronicle*, accessed September 17, 2019, <https://www.dukechronicle.com/article/2019/01/letter-kim-cates-responds-to-town-hall-about-shooters-ii>.

students to and from the establishment. Cates and her employees are deeply invested in the Duke community to continue their success as an establishment.

Duke students have a mutual relationship with Cates and her establishment. The *Chronicle* frequently publishes opinion pieces arguing whether students should experience Shooters sober or drunk. Many of the pieces have an undertone of obligatory love for the establishment, but what is obvious is, “the number of people that flock to Shooters proves that [the students] want what they’re selling.”<sup>72</sup> The number of published articles, conversations both pro and con, and high attendance demonstrate just how important this establishment is to the Duke experience and culture.

Despite its popularity, former Vice President of Student Affairs Larry Moneta and the Duke Men’s Project fantasize in the “distant future, first-year students at Duke will no longer be what they described as coerced to go, while inebriated, to a toxic environment that is inherently unsafe and perpetuates cultural norms of sexual assault.”<sup>73</sup> Shooters is often cited in sexual misconduct cases as a problematic establishment where misconduct often starts. August 2018, *Chronicle* writer Luke Sallmen published an article entitled “What I wish I had said to the boy who groped me at Shooters.”<sup>74</sup> The establishment is often cited in sexual misconduct cases discussed on social media. It is the central topic for the Sexual Misconduct Taskforce. However, we, the Duke community and Durham, should engage and interrogate Shooters because it perpetuates rape culture. Shooters is a crossroads of different classes, educational backgrounds, and gender norms where transient students engage with local Durhamites. Eliminating one establishment is naïve and harmful as abstinence only sex education.

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<sup>72</sup> “In Defense of Sober Shooters,” *The Chronicle*, accessed September 17, 2019, <https://www.dukechronicle.com/article/2014/04/defense-sober-shooters>.

<sup>73</sup> “‘Rotten to Its Core’: Tuesday Town Hall Addresses Shooters II Culture, Plans Protests,” *The Chronicle*, accessed September 17, 2019, <https://www.dukechronicle.com/article/2018/11/complicit-in-sexual-assault-tuesday-town-hall-addresses-shooters-ii-culture-plans-protests>.

<sup>74</sup> “What I Wish I Had Said to the Boy Who Groped Me at Shooters,” *The Chronicle*, accessed September 17, 2019, <https://www.dukechronicle.com/article/2018/08/180831-sallmen>.

Students are going to continue to go or they will find another outlet to engage in sex, dancing, and alcohol. The relationship between Duke and Shooters needs to be restructured to include Cates and her employees in conversations and solutions to sexual assault because it will strengthen sexual autonomy and assault prevention.

On November 28, 2018 Duke *Chronicle* published an article on a town hall meeting alleging Shooters is “complicit in sexual assault.”<sup>75</sup> The Duke Men’s Project deliberately chose to target Shooters as “inherently unsafe” because of its popularity within the Duke community.<sup>76</sup> Starting as early as the Wednesday after winter break 2018, Duke Men’s Project and other sexual justice activists called for protesters, organized boycotts and even a campaign to “[shine] headlamps on people on the dance floor to reveal the forms of sexual assault that they said occur on a nightly basis.”<sup>77</sup> Student activists claimed the “entire foundation of the Shooters environment is founded on normalizing rape culture” and “by attending and funding a toxic and corrupt institution, students are complicit in its existence and perpetuation.”<sup>78</sup> While the owner of Shooters, Kim Cates, relies on the hedonistic atmosphere to stay in business, she publically responded to the accusations of the Duke Men’s Project and other student activists with, “The safety of my patrons, especially the students, is the part of my business I care about the most.”<sup>79</sup>

The initial goal of the protests was to “pressure owner Kim Cates and Shooters management through decreased business to have its staff undertake the ‘Raising the Bar’ sexual assault training.”<sup>80</sup> Duke’s Raise the Bar program aims to “promote awareness of Drug Facilitated Sexual Assault, create

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<sup>75</sup> “‘Rotten to Its Core.’”

<sup>76</sup> “‘Rotten to Its Core.’”

<sup>77</sup> “‘Rotten to Its Core.’”

<sup>78</sup> “‘Rotten to Its Core.’”

<sup>79</sup> “Letter.”

<sup>80</sup> “‘Rotten to Its Core.’”

safer spaces, and encourages community accountability.”<sup>81</sup> In this moment, the students are reaching out to Cates and her staff to educate themselves in order to recognize when sexual misconduct is happening or might happen in their bar. Duke’s Raise the Bar training is designed to engage with bars specifically in Durham to create dialogue around sexual assault prevention and build community accountability. The students are asking them to be trained through the lens of the institution instead of a private consulting company. This partnership would have ensured the message to be consistent and agreed upon to create a more united front on sexual assault prevention at Shooters. However, this partnership was never formed. In response to the published article, Cates brings up three legitimate problems between her and Duke: the exclusion of partnership, withholding the student experience survey results from Shooters, and misconceptions of where responsibility lies between the two establishments. Cates’s first claim reiterates the objective of Duke administrators to disengage with her establishment:

No one from Duke contacted me about off-campus sexual assault concerns, including the Chronicle before publishing the article, except for the brief exchange with Larry Moneta about training, which has been previously described in the press and is addressed below...I finally gave up and hired a private consultant with expertise in rape-crisis community education and Raise-the-Bar training. My full staff received focused and targeted DFSA training on Saturday, January 5, 2019.<sup>82</sup>

According to her statement, she never knew there were sexual assault concerns that involved her establishment. Whether or not that is true is up for debate, but what is telling is there was no communication with Cates before this article was published. Additionally, Cates claims administrators and the various student activists dismissed her attempt to receive training through Duke.

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<sup>81</sup> “Duke Raise the Bar | Student Affairs,” accessed December 19, 2019, <https://studentaffairs.duke.edu/wc/programs-services/duke-raise-bar>.

<sup>82</sup> “Letter.”

Her second claim is that Duke did not provide her with the Student Experience Survey from 2016 and 2018: "Duke never shared with me the results of the RTI study that examined on and off campus sexual assault at Duke."<sup>83</sup> Again, she brings up an important problem between Duke and the local community; Duke is not engaging with local establishments to better sexual health and assault concerns in the community despite students explicitly saying they do not feel like the administrators are doing enough to prevent sexual assault.<sup>84</sup> One of the ways Duke can engage with local businesses to increase sexual justice on campus is to provide owners of these bars and clubs the Student Experience Surveys. If sexual assault is happening off campus, administrators need to evaluate what Duke students are doing off campus. The assault is not happening when they simply leave the confines of the university, but after they engage in the local community. Involving the establishments Duke students actively engage with is a necessary partnership to figure out what is going on that contributes to the high number of sexual assaults happening off campus.

Cates's third claim highlights misunderstandings of how Shooters plays a role in students' sexual assault experience. Despite the statistics on Shooters role and the Duke Men's Project platform, Kim Cates claims "Shooters has been in business for over 20 years, and no one has ever been raped at Shooters nor has there ever been a sexual assault prosecution that arose from Shooters."<sup>85</sup> Regardless of where the truth lies in Cates's understanding, her letter highlights problems of communication between Duke and her local Durham bar. Because Duke does not include her in the conversations surrounding sexual assault on and off campus, Cates believes her establishment does not normalize rape culture and is not a part of sexual misconduct cases amongst students despite the role her establishment does play in the sexual experience of students. Without bringing her into the

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<sup>83</sup> "Letter."

<sup>84</sup> "Duke University 2016 Student Experience Survey"; "Duke University 2018 Student Experience Survey."

<sup>85</sup> "Letter."

conversation, her establishment and the “toxic environment” will continue.<sup>86</sup> Each time students verbally cite or write about their sexual assault or harassment experience at Shooters, Cates should at least be informed and respond when appropriate.

Regardless of how Duke administrators personally view Shooters, the majority of students are going to continue to incorporate this establishment into the Duke experience. Shooters has been integrated in the local Durham community and the Duke community for over twenty-years; it’s likely not going out of business any time soon. For this reality, Duke administrators and student activists against sexual violence should engage with this establishment to implement change. Collaborating with Shooters is a chance to encourage students to make educated, better choices with their own intimacy to make sex more enjoyable and less regrettable.

Sexual assault and harassment do not occur *because* of the establishment. Misconduct occurs most often between peers, not Duke student to non-Duke student. The issues of sexual harassment and assault are not within Shooters as purely an establishment, but within the sexual autonomy of Duke students.

## Online training cannot replace human connections

Currently one of the ways Duke builds psychological sexual autonomy is through online trainings. Online trainings are not influential enough to change or prevent sexual assault. Instead, restructuring human sex education initiatives to an in person semester-long course that centers pleasure and desire with science based sexual health builds a stronger skill set. As it currently stands, all incoming students must complete an online Sexual Assault Prevention Training before(?) graduation.

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<sup>86</sup> “Rotten to Its Core.”



There are two versions: Sexual Assault Prevention for Undergraduates (SAPU) and Sexual Assault Prevention for Graduate Students (SAPG). The SAPU and SAPG “provide information to help [students] identify, react, respond to, and assist with preventing sexual assault and relationship violence.” They also “help [students] learn about healthy relationships, the importance of consent and being a good communicator, and the many ways you can help create a safe and positive campus environment.”<sup>87</sup> The trainings are replicated at 500 other universities around the United States and attempt to educate and correct misinformation on sexual assault and sexual autonomy. These two objectives are too complicated and ambitious for the online training to be effective. Additionally, the SAPU and SAPG do not account for the diverse array of cultural norms for international students.

Most incoming students complete the training before they arrive on campus void of human interaction to converse about the topics that arise. While it is well intended, online training happens in a silo before students have developed the skills Fischel advocates for. Sexual assault preventative measures cannot be set up as a crash course in re-teaching cultural norms. It skips the skill building stage. Students have to process heavy questions about sexual assault often by themselves without conversation.

Instead, restructuring the SAPU and SAPG trainings to form an in person semester-long human sex education seminar will allow for engagement between peers and experts. The engagement with each other and the material is critical to strengthen sexual autonomy that will influence a better sexual culture to work towards a more effective prevention of sexual assault.

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<sup>87</sup> “Sexual Assault Prevention for Undergraduates (SAPU) | Student Affairs,” accessed September 18, 2019, <https://studentaffairs.duke.edu/SAPU1stYears>.

Engagement teaches students how to communicate about sexuality and desire as well as how to disagree with one another to better understand how cultural norms have stunted our sexual autonomy. An in-person class focused on human sexuality contributes to the adolescent psychology growth to strengthen the consent paradigm discussed in chapter one.

I suggest designing the course to be interdisciplinary and guided by the World Health Organization holistic sexuality education module. Interdisciplinary approach draws on different areas of academic research to include all aspects of sexual identity and exposes systems of oppression, including gender, class and racial oppression. Women, especially minority women on Duke's campus, report experiences of sexual misconduct and disappointment in the university's response at a much higher rate than men.<sup>88</sup> This statistic might well reflect how Duke has implicitly adopted the racial injustice within the criminal justice system in the United States within campus disciplinary responses. Studies focused on historical racial injustice within the public health sectors should be implemented in the human sexuality course to expose how institutional racism has impacted sexual autonomy and sexual health on college campuses. Interdisciplinarity as a strategy to further social justice will allow for exposing gender, class, and racial oppression that form our understanding of our sexual selves.

The World Health Organization (WHO) recognizes holistic sexual education as "essential to basic human rights" (Joy of sex) and outlines four objectives:

- To be aware of and have knowledge about the human body, its development and functions, in particular regarding sexuality.
- To be able to develop as a sexual being, meaning to learn to express feelings and needs, to experience sexuality in a pleasurable manner and to develop one's own gender roles and sexual identity.
- To be able to build (sexual) relationships in which there is mutual understanding and respect for one another's needs and boundaries and to have equal relationships. This contributes to the prevention of sexual abuse and violence.

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<sup>88</sup> "Duke University 2016 Student Experience Survey"; "Duke University 2018 Student Experience Survey."

- To be able to communicate about sexuality, emotions and relationships and have the necessary language to do so.<sup>89</sup>

I propose the seminar course to include four sections that touch on the outline WHO provides: basic anatomy and physiology focused on reproductive systems; a theoretical and historical overview of how sexual conduct has been controlled through legislation and culture norms; teaching students about techniques of pleasure and desire and medically accurate information about how to protect against STD's and STI's, and birth control. Lastly, the course should focus on practices of Restorative Justice to build language to communicate desires to your partner and/or skills to repair any harm done.

An in-person seminar integrates international and domestic students from diverse backgrounds to first build personal autonomy and then communal skills to co-determine the best decisions for intimacy and relationships. When students are better equipped with communication skills and medically accurate sex education to determine their own sexual experiences, they may be able to create a more enjoyable democratic hedonism within local establishments such as Shooters. Student leaders can then integrate Kim Cates and Shooters staff into productive conversations to build a community.

### Peer-to-peer authority erodes essential social skills

Restructuring the internal power structure of the Residential Advisor role is designed to have peer leaders supervise their peers living in a dorm hall or other campus housing facility. Fischel's second avenue to building a more democratic hedonism focuses on restricting sexual contact within power structures.<sup>90</sup> For Fischel, sex within vertical power structures such as a teacher and student, parent and child, boss and employee should be illegal because there is a clear uneven balance of power. The

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<sup>89</sup> Appleton and Stiritz, "The Joy of Sex Bureaucracy."

<sup>90</sup> Fischel, *Screw Consent*.

student is always submissive to the teacher because the teacher has real authority over him or her. Thus, the student is trapped in an unequal power dynamic. Instead of revisiting the atypical vertical power structures he discusses (student/teacher), I want to use his theory to focus on how higher education creates harmful peer-to-peer power dynamic within the residential advisor program (RA). Students shouldn't be in certain positions of authority, specifically Residential Advisors, because it impedes on students development of conflict resolution social skills with their peers and collective/cohesiveness togetherness. RAs cannot be fully students, they cannot be fully a part of their class, and they cannot freely explore themselves in college without heavy consequences.

### Section III. Prohibited Conduct (Duke's Sexual Misconduct Policy)

- Sex/gender-based harassment
  - The other form of harassment is a student's use of a position of authority (e.g., as a TA, RA, team captain, or officer in a fraternity or sorority) to engage in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
    - Submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment or education; or
    - Submission to or rejection of such conduct is used as a basis for decisions affecting an individual's education or employment.<sup>91</sup>

The above section from the Sexual Misconduct Policy sequesters Residential Advisors, along with other forms of student authority, from the rest of the Duke students if they are involved in a reported sexual misconduct incident. Formal peer-to-peer power structures such as RA's negatively impact the development of sexual autonomy and other social skills needed to nurture student cohesion.

### ***Unequal punishment for RA's***

The current policy singles out RAs and other formal student leaders for sex/gender-based harassment because Duke believes with their position of power comes more opportunities for sexual exploitation. While students hold the position of RA, they are prohibited from having sex with any student under their jurisdiction.

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<sup>91</sup> "Student Sexual Misconduct Policy and Procedures: Duke's Commitment to Title IX | Student Affairs."

In addition to harsher punishment, RA's occupy an outside category of authority and student that isolates them from the rest of their peers and impedes on the development of their social moral in relation to their own peers.

Duke pits peers against each other to create peer-to-peer policing at a low cost. RA pay comes from scholarship, not employment funds and thus, RAs are underpaid compared to professionals. Residential Advisors live in dorms with the other students and are available 24/7 as a resource to the students. They solve petty disputes and carry out the rules set by the university. RAs have been designated as the moral light to guide their peers to act in an ethical manner consistent with the university's mission.

## Conclusion

Duke University's vice president of student affairs and Title IX coordinator collaborate to create Duke's community standards in relation to sexual conduct. Duke weaves its community standards into federal laws of sexual harassment (Title IX) as a social construction of sexual autonomy.

Sexual autonomy is the ability to co-determine intimacy and relationships while being attentive to broader social and material opportunities. Sexual autonomy is a key component in the psychological development of "personal agency, interpersonal intimacy, and social advocacy." The current climate of sexual autonomy in the United States hinges on Abstinence Only Until Marriage and educational resources and materials – birth control, health clinics, sex toy shops – that are unevenly distributed across socioeconomic communities. Coed sex education would expose social inequalities – gender role, income inequalities, and race – through open communication. Private universities such as Duke attempt to better students' sexual autonomy but fail to integrate the needs of the outside community.

Duke fails to integrate the owner of Shooters II Saloon, Kim Cates, and her management team in the conversations surrounding sexual misconduct prevention on and off campus. During his tenure as

the vice president of student affairs, Larry Moneta explicitly rejected the idea to partner with Cates because it is a club where students go to drink and let loose. Moneta was explicitly involved in changing the campus culture to “help reduce alcohol-related problems among students.”<sup>92</sup> If he partnered with the notorious Durham nightclub that serves hard liquor, beer and wine, it would appear to parents, donors, and the general public that Moneta is endorsing Shooters. Instead of rejecting this partnership within the hedonistic club, Shooters is an important stakeholder in the Duke-Durham community and should be present at the table when administrators discuss sexual misconduct policy and community standards. Sexual assault and harassment do not occur simply because of the establishment but because students have not developed a holistic sexual autonomy. The complaints brought to the student conduct board and to the campus as a whole are still peer-to-peer, not Duke student to non-Duke student. The issues of sexual harassment and assault are not within Shooters but within sexual autonomy of Duke students.

Right now, one of the ways Duke builds the psychological development of sexual autonomy is through online trainings offered at 500 colleges and universities across the United States. These online trainings fall short because they cannot replace human connection and conversations and they do not address gender roles, or how race plays a role in harassment or assault and income inequality. The trainings are generic and lack the understanding of the students’ needs as well as the needs of the broader community. Duke can drastically improve sexual safety on campuses by incorporating ideas about consent and sexuality from alternative sexual communities into safety initiatives. My solution is to create an in-person, mandatory semester long class emphasizing not only pleasure and desire but also how our current policies and laws controlling sexual conduct actually strengthen systems of oppression. Finally, with a new profound approach to sexual conduct, I advocate for Duke to eliminate

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<sup>92</sup> “Targeting High-Risk Drinking,” accessed December 19, 2019, [https://today.duke.edu/2004/08/drinking\\_0804.html](https://today.duke.edu/2004/08/drinking_0804.html).

the role of Residential Advisor. RA's are severed from their student status to uphold the universities community standards.

In conclusion, when colleges and universities exist in a vacuum outside the community in which they reside, the systems of oppression that isolate people from differences continues. Durham's lower economic residents continue to experience higher rates of sexual assault and harassment while Duke is spending a lot of money on resources and materials to curb sexual misconduct only for full-time students. Incorporating tenets of BDSM history challenging gender, racial and income norms and incorporating the wider Durham community are two ways Duke can drastically improve sexual autonomy that leads to justice.

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