

EDITORIAL

WHERE TO CALL

EDITORIAL

Breasts in the U.S.A.

OUR OPINION:
Female toplessness may soon be outlawed in Eugene, but the decision shouldn't be made without widespread public support

We've all heard the fantasies — or horror stories — depending on one's point of view. European beaches, filled with frolicking women ... completely topless. Little kids playing in the sand nearby, oblivious to the scenery. The societal belief being that bare female breasts are perfectly fine in public and definitely no reason for embarrassment.

But that is Europe, or any other exotic locale. In the United States, bare breasts are indeed unusual, as we discovered last week in Eugene.

Sixteen-year-old Jesikah Allen and other women were recently seen in the Eugene Mall walking around ... topless. Yes, it's true. Eugene has been overrun by nudists. Well, not really.

But judging by the comments of downtown business owners and customers, one would think the city was under invasion. Each group reacted strongly, especially business owners, demonstrating the wider societal fear of bare breasts.

Representatives from Symantec Corp. wrote to Mayor Jim Torrey and city councilors, voicing their concerns about the topless women. Police even received complaints from parents of children in the local day care. Apparently, the children were privy to the fact that bare breasts were in their midst.

Because of this "outrage," the city council is currently taking a look at the present city nudity ordinance. And it may very well ban bare female breasts. Perhaps the distant European stories will remain just that — distant.

But we question the source and quantity of these complaints. Despite their strong voice, do they equal a community standard against bare breasts in Eugene? We don't think so. And until that happens, we can't

support any city ordinance prohibiting female toplessness.

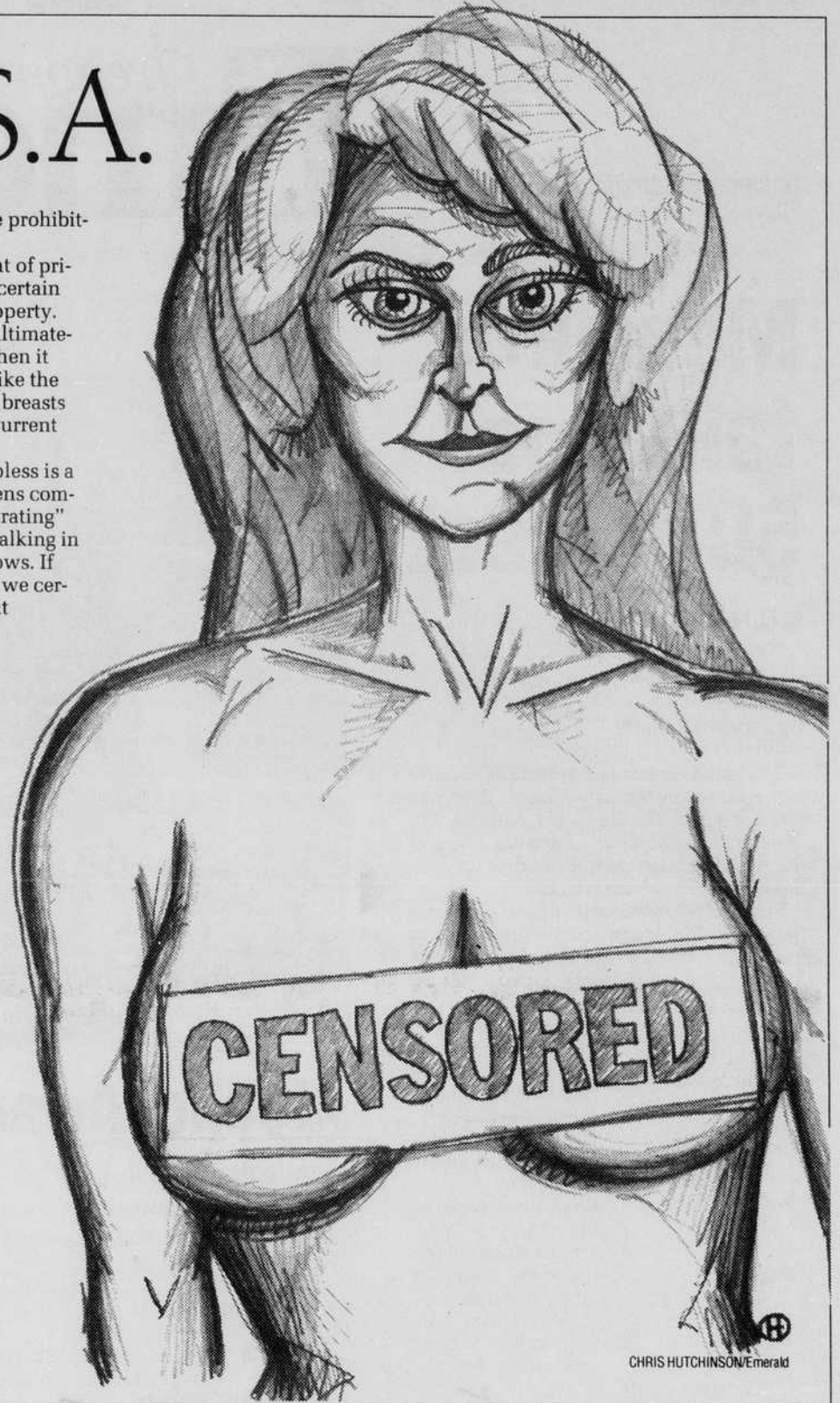
We do recognize the right of private businesses to uphold certain standards on their own property. But the legality of nudity ultimately depends on location. When it comes to public property like the mall, nobody can ban bare breasts in themselves. Under the current law, it's perfectly legal.

Now, behavior while topless is a different story. Some citizens complained that Allen was "gyrating" her chest and purposely walking in front of the day care windows. If these accusations are true, we certainly don't condone it. But Allen's toplessness is not wrong in itself.

If the city council wants to ban bare female breasts, it should only do so with a clear indication of broad community support, not just the complaints of a few businesses. This support could be found through a survey, an overwhelming amount of supportive telephone calls or letters or even by placing the issue on the ballot. Until that happens, the city council should leave the nudity ordinance alone.

And until the day that bare female breasts are banned, all those living in fear should lock their doors. Or just deal with it.

This editorial represents the opinion of the Emerald editorial board.



CHRIS HUTCHINSON/Emerald

CONTACT US

What do you think? Write us a letter expressing your opinion or E-mail us at ode@oregon.uoregon.edu

Student Conduct Code changes improve current policy

The revised code expands the University's jurisdiction in dealing with sexual misconduct and clarifies language relating to sexual consent

■ A student reported she was raped by another student in a fraternity bathroom during an off-campus party at which they were both guests. The woman's grades did go down significantly that quarter, but the University couldn't convince the hearing officer that her grades dropped because of the incident. Because of the ruling that the University did not prove a material interest in the event, a "not guilty" finding was rendered.

■ A month after the previous incident, a student reported that she was raped in a residence hall by the same student involved in the fraternity incident. She had been friends with him but had told him that she "never wanted to have sex with him." Even though this incident happened on campus, because of the unclear standard for consent, a "not guilty" finding was rendered.

COMMENTARY

Elaine Green

■ Last fall, a student went to a party on 18th Avenue. It was reported that he met a woman whom he escorted away from the party, bound and raped. Since she was a Lane Community College student, under the existing code the University did not have the jurisdiction, so no conduct case could be brought against the student.

WHY WE MADE THIS CHANGE.

We know that rape and sexual assault are serious problems on college campuses and society. In an effort to improve the University's ability to respond to sexual assault and rape, students decided the University conduct code should be made clearer and stronger.

WHAT IT DOES

Expanding Jurisdiction: This amendment extends jurisdiction off campus, in limited situations, to provide greater safety from fellow students. The changes made a focus on community as a group of people

rather than a physical location.

A person does not cease to be a part of the campus community just because he or she leaves the physical boundaries of the campus. This does not mean, however, that the University has the right to control students' actions when they are not on campus; those actions must impact the University community.

According to the proposed rule, if an assault occurs off campus, the University must prove at least one of the following: that the survivor's grades or performance at the University has been affected or that the defendant poses a threat to the campus community.

Redefining Consent: This motion replaces the current language, "behavior a reasonable person would know was unwanted," with more precise language calling for affirmation by either verbal consent or the mutual initiation of a sexual act.

The Student Conduct Committee motion uses the concept of "explicit consent" for two reasons. The first is to encourage more clear communication in the hope that many of the misunderstandings that lead to someone being abused can be avoided. It lays out a higher standard of human rights.

The second is to draw a "brighter line" so that allegations of misconduct can be resolved in a fair and equitable manner.

Education as the Solution: These modifications are remedies to problems in the current code. The offense, "unwanted sexual behavior," is not prescriptive of community standards. It is quite ambiguous on the difficult issue of consent. The current code does not deal with the issue of consent under the influence of drugs or alcohol.

It does not adequately protect the campus community from predatory rapists who are involved in an incident off campus while they are students. It is my hope that students will become informed about the expectations this new code places on them, as well as the new options if someone is assaulted.

I am happy to talk with students to help ensure that interpersonal rights are respected at the University. This is a standard we can be proud of!

Elaine Green, a guest columnist for the Emerald, is the Associate Dean of Student Life. Her views do not necessarily reflect those of the newspaper.