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THE UNIVERSITY OF TEXAS AT AUSTIN

DEPARTMENT OF CLASSICS

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August 18, 2015

The Jeffrey Epstein VI Foundation
6100 Redhook Road
St. Thomas, USVI

Dear Mr. Epstein:

I am a professor at the University of Texas, Austin, and also President of the William A. Percy Foundation for Social and Historical Studies (www.wapercyfoundation.org), a private operating 501(c)(3) not connected with the University. Although I know that most of the Jeffrey Epstein Foundation's charitable giving has been to promote work in the hard sciences, I have a project of some contemporary import that I hope will be of interest to you. Recent Department of Education Title IX directives, coupled with legislation at the state and federal levels, have greatly expanded the involvement of college administrations in monitoring and policing student sexuality with a view to creating a "rape-free environment" on campuses. The low evidentiary standards and lack of due process safeguards have resulted in a number of well-publicized cases of male students being expelled, without appeal, for what were later revealed to be wholly consensual acts or even cases where the males were themselves the actual rape victims. This has prematurely terminated the careers of too many promising students who, because of the disciplinary expulsion, are unable to continue their education at any university. In the wake of the Department of Education's new directives, a cottage industry of legal experts on Title IX compliance has sprung up, commanding high fees from universities that could otherwise go to funding legitimate educational imperatives. The recently published Model Penal Code of the American Law Institute even proposes extending the standard of "affirmative verbal consent" to criminal law more generally, further expanding the reach of the sex offender-incarceration panic.

With a limited amount of seed money from my University and the Percy Foundation, I am organizing an academic conference during Spring 2016 that will bring together scholars, attorneys, activists, and administrators from a variety of backgrounds and viewpoints to critically examine these developments and their underlying ideological assumptions about sexual consent. I attach a short description. Laura Kipnis, a prominent feminist film scholar and fearless independent voice who has herself been targeted by frivolous Title IX complaints, has agreed to be the Keynote speaker. I also have attorneys, criminologists, forensic psychologists, and a psychoanalyst who have expressed interest in participating.

It is now clear to me that my original budget of \$12,000 will be insufficient to give this conference the support it needs to reach the largest audience or invite the widest range of experts who are concerned with improving the way this issue is addressed. I would like to raise another \$10-20K to invite additional speakers (some of whom require honoraria), video-record the conference for web archiving, and eventually publish the conference papers. I do have experience managing complex international conferences, including one in November 2013 on "Sexual Citizenship and Human Rights: What Can the US Learn from the EU and European Law?" with a \$45K budget (see the Percy Foundation's website for a more detailed description

and video archive). I would like to inquire whether the Jeffrey Epstein Foundation might be willing to contribute toward the goal of giving this conference greater visibility and injecting some measure of rationality into the debate before the juggernaut of bad legislation gains further momentum. With gratitude and good wishes,

A handwritten signature in black ink, appearing to read 'Thomas K. Hubbard', written in a cursive style.

Thomas K. Hubbard
James R. Daugherty, Jr. Centennial
Professor of Classics

Theorizing Consent: Educational and Legal Perspectives on Campus Rape

This conference aims to bring into dialogue scholars, administrators, social workers, policy experts, and legal professionals to interrogate the concept of sexual consent. US Department of Education guidelines for the implementation of Title IX, the Clery Act and the Campus Accountability and Safety Act now pending in Congress, recent legislation in California, and attention to "campus rape culture" in the media have thrust upon university administrators responsibility for policing student sexual conduct to an unprecedented degree. Pointing to well-publicized cases where students or fraternities were prematurely sanctioned for rapes that were later revealed not to have occurred, some have doubted whether university officials have been adequately equipped to investigate and adjudicate these issues. While acknowledging that sexual assault among students is a serious problem, others have questioned whether educational institutions should be required, as they are by the recent California law, to apply a strict requirement of affirmative verbal consent or "preponderance of evidence" standards that exceed the traditional criteria of criminal law. How does the ubiquity of alcohol and other intoxicants in student social life complicate assessment of consent, and should they be more stringently regulated in the interest of creating a rape-free environment? How should educational institutions best balance the rights of the accused with the need to protect victims from a threatening environment?

Scholars of gender and sexuality in the Humanities and Social Sciences have much to contribute to debates about the semiotics and parameters of consent. Should the responsibility of educational administrators to promote a rape-free environment on campus also extend to classroom educators teaching and discussing the ethics of sexual consent as encountered in history, literature, the arts, and social research? How can free and objective discussion be promoted in an environment of mandatory "trigger warnings" about material that some students might deem sensitive or objectionable in light of subjective experiences of trauma? Can international legal perspectives on rape and consent inform current American debates? Do practices of negotiating consent in subaltern communities, such as BDSM subcultures and anonymous gay sex venues, have anything to contribute to its mainstream articulation? How should any theory of consent protect the sexual rights of minors or those who are mentally impaired due to senility, illness, or other disabilities? In May 2015, the influential American Law Institute released a Model Penal Code recommending that the "affirmative verbal consent" standard mandated for college campuses in the California law should be incorporated into state criminal statutes more generally. Does the enhanced policing of sexual conduct on campus therefore presage broader changes in the criminalization of sexuality throughout society? The conference aims to open interdisciplinary discourse on these complex and timely issues.