

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

JANE DOE,)	
)	No. 1:17-cv-03688
Plaintiff,)	
v.)	Hon. John Robert Blakey
)	
HARPERCOLLINS PUBLISHERS LLC and LAURA KIPNIS,)	
)	
Defendants.)	
)	

**DEFENDANTS’ OPPOSITION TO PLAINTIFF’S MOTION TO PROCEED UNDER A
PSEUDONYM AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Defendants HarperCollins Publishers LLC and Laura Kipnis (collectively, “HarperCollins” or “Defendants”), by and through their undersigned attorneys, hereby submit their Opposition to Plaintiff’s Motion to Proceed Under a Pseudonym and ask this Court to direct Plaintiff to correct the caption of this action to include her true name.

PRELIMINARY STATEMENT

This Court should deny Plaintiff’s request to proceed pseudonymously. Litigating under a pseudonym is an extraordinary departure from the Federal Rules of Civil Procedure and is strongly disfavored by the Seventh Circuit because it runs counter to the fundamental openness and fairness of the federal courts. *Doe v. Blue Cross & Blue Shield United of Wisc.*, 112 F.3d 869, 872 (7th Cir. 1997). This is not one of the rare cases in which litigating under an assumed name is justified, because Plaintiff herself has already participated in public litigation in this Court about the very same subject matter under her own name. *See Ludlow v. Northwestern Univ.*, 125 F. Supp. 3d 783 (N.D. Ill. 2015) (“*Ludlow II*”); *Ludlow v. Northwestern Univ.*, 79 F. Supp. 3d 824 (N.D. Ill. 2015) (“*Ludlow I*”). As such, Plaintiff’s identity as the accuser in the

Northwestern University case – and her claims to have been a victim sexual assault – have already been aired publicly in this very Court. Furthermore, shielding Plaintiff’s identity would unfairly disadvantage Defendants because it would permit the Plaintiff to continue to speak publicly about this matter while muzzling the Defendants. Plaintiff’s motion should be denied.

ARGUMENT

This Court should deny Plaintiff’s request to proceed pseudonymously both because Plaintiff’s name was disclosed in this Court about this subject matter and because she has presented no reason to depart from the well-established “principle that judicial proceedings, civil as well as criminal, are to be conducted in public.” *Blue Cross*, 112 F.3d at 872.

Federal Rule of Civil Procedure Rule 10(a) mandate that each complaint’s caption must name all the parties means the caption must contain the parties’ true names, not pseudonyms. Fed. R. Civ. P. 10(a); *see also* Pl.’s Br. in Supp. of Mot. to Proceed Under a Pseudonym (“Brief”) at 1, June 6, 2017, Dkt. 8. Rule 17 similarly prohibits anonymous litigation by requiring that every “action must be prosecuted in the name of the real party in interest.” Fed. R. Civ. P. 17(a)(1); *see also Doe v. Indiana Black Expo, Inc.*, 923 F. Supp. 137, 139 (S.D. Ind. 1996) (requirements of Rules 10 and 17 “are not a matter of mere administrative convenience for court staff and counsel. They also protect the public’s legitimate interest in knowing which disputes involving which parties are before the federal courts.”).

The Seventh Circuit has repeatedly and emphatically held that the use of fictitious names by litigants is disfavored and may be allowed only in those rare cases in which the party seeking anonymity demonstrates the existence of “exceptional circumstances.” *Doe v. Vill. of Deerfield*, 819 F.3d 372, 376-77 (7th Cir. 2016); *Doe v. Sheriff of DuPage Cnty.*, 128 F.3d 586, 587 (7th Cir. 1997). Although the decision is left to the court’s discretion, a trial court “has an

independent duty to determine whether exceptional circumstances justify” allowing a party to proceed pseudonymously, even where no objection is raised. *Blue Cross*, 112 F.3d at 872. The court makes that determination by balancing the party’s stated reasons for seeking anonymity “against the public’s and parties’ rights to the identities of parties and the potential prejudice to the opposing parties.” *Vill. of Deerfield*, 819 F.3d at 377.

The bar is set quite high for a party to proceed pseudonymously. A mere desire to avoid embarrassment or shame is not enough. *See, e.g., Blue Cross*, 112 F.3d at 872 (potential embarrassment caused by public disclosure of plaintiff’s obsessive-compulsive disorder insufficient to justify anonymity); *Doe v. Paris Union Sch. Dist. No. 95*, No. 05-2249, 2006 WL 44304, at *3 (C.D. Ill. Jan. 9, 2006) (denying anonymity to plaintiff sex offender in challenge to law barring him from attending school events with his children because plaintiff’s fears of harm to his business and emotional harm to his children did not outweigh interests of public and defendants).

For this reason, sexual harassment cases, for example, are usually litigated using the parties’ real names. *See Doe v. City of Chicago*, 360 F.3d 667, 669-70 (7th Cir. 2004) (generally, “sexual harassment cases are not brought anonymously” absent allegations of rape, torture or that the plaintiff is “a likely target of retaliation by people who would learn her identity only from a judicial opinion or other court filing”). By contrast, “fictitious names are allowed when necessary to protect the privacy of children, rape victims, and other particularly vulnerable parties,” *Blue Cross*, 112 F.3d at 872, such as “closeted” gay or transgender people. *Doe v. United States*, No. 16-CV-0640-SMY-DGW, 2016 WL 3476313, at *1 (S.D. Ill. June 27, 2016) (allowing parents of transgender child to proceed pseudonymously because revealing their names would “expose Plaintiffs to the risk of retaliation by members of the public”). In this case,

Plaintiff has not made and cannot make a showing sufficient to overcome the presumption of openness of court proceedings.

First, Plaintiff's identity as the graduate student who filed a Title IX complaint against former Northwestern Professor Peter Ludlow has been a matter of public record in this Court for three years. Professor Ludlow's 2014 defamation lawsuit against Plaintiff and others identified Plaintiff as the graduate student involved, asserted that they had a consensual romantic relationship, and accused her of fabricating her allegation of nonconsensual sex. *See Ludlow II*, 125 F. Supp. 3d at 787; *Ludlow I*, 79 F. Supp. 3d at 830-31. Plaintiff litigated in that action under her true name and did not seek to shield her identity. Indeed, she filed seven pleadings under her own name. *See* Docket, *Ludlow v. Northwestern Univ.*, No. 1:14-cv-04614 (N.D. Ill. filed June 18, 2014), Dkt. Nos. 29, 30, 40, 50, 55, 56 & 66. And Judge Ellis issued two opinions published in the Federal Supplement that, between them, name Plaintiff no fewer than 80 times and discuss in some detail the Title IX proceeding underlying this action – up to and including Plaintiff's claim to have been a sexual assault victim. *See Ludlow II*, 125 F. Supp. 3d at 785-88; *Ludlow I*, 79 F. Supp. 3d at 828-31. Plaintiff concedes as much in her Complaint.¹ *See* Compl. ¶ 57 (admitting that some of the information in *Unwanted Advances* “had trickled out through Ludlow's lawsuit,” without further identifying the suit or the information). In short, allowing Plaintiff to litigate anonymously is not “necessary to protect [her] privacy,” *Blue Cross*, 112 F.3d

¹ Indeed, Plaintiff not only admits that her identity and her allegations against Professor Ludlow are part of the public record, but also affirmatively alleges that her identity has been widely disseminated online by others. Compl. ¶ 70 (contending that “many people – including prominent members of the academic philosophy community where Plaintiff hopes to soon work – have been . . . publicly identifying Plaintiff by name” on “social media and in various professional blogs”).

at 872, because her identity as Professor Ludlow's accuser is not private.² Plaintiff cannot put this cat back in the bag.

For similar reasons, several courts have denied requests by alleged rape victims to litigate pseudonymously where those parties' identities already were publicly known.³ For example, a court denied anonymity to a former University of Rhode Island student who sued the school over its response to her alleged rape, noting that the student admitted her identity was well known on campus and did not dispute that her name had been exposed in other litigation involving the incident. *Doe v. Univ. of Rhode Island*, No. CIV.A. 93-0560B, 1993 WL 667341, at *3 (D.R.I. Dec. 28, 1993). Similarly, before his elevation to the Second Circuit, Judge Denny Chin ruled that a woman whom late rapper Tupac Shakur was convicted of sexually assaulting could not proceed pseudonymously in a civil case against the performer, in part because her name already was known to the news media. *Doe v. Shakur*, 164 F.R.D. 359, 362 (S.D.N.Y. 1996). Here, Plaintiff cannot deny that her name already is a matter of public record, and expressly admits that the independent investigator hired by Northwestern University "found that she [the investigator] did not have enough evidence to determine whether or not a sexual assault had occurred." Compl. ¶ 49. In fact, in *The Chronicle of Higher Education* (attached hereto as Exhibit A, at 14), Plaintiff's identity was described as "spread widely online". As such, as in *Univ. of Rhode Island* and *Shakur*, Plaintiff is not entitled to anonymity.

² Plaintiff's failure to address this dispositive fact in her motion is striking. When Plaintiff's counsel informed Defendants' counsel of her intention to file this motion, Defendants' counsel responded that Defendants intended to oppose the motion and attached to that correspondence copies of the published opinions in *Ludlow I* and *II*, as well as Plaintiff's memoranda in support of her motions to dismiss filed in that action.

³ Moreover, the First Amendment prohibits the imposition of criminal or civil liability for publishing the name of a rape victim (or any other information) that is available in public government records. *Florida Star v. B.J.F.*, 491 U.S. 524, 541 (1989); *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 495 (1975).

Similarly, because her identity as Professor Ludlow's accuser is already a matter of public record in this Court, Plaintiff's purported fear of some unspecified "retaliatory harm," *see* Brief at 4-5, is unfounded. Plaintiff does not claim she suffered any retaliation because her name was made public in the *Ludlow* litigation. Indeed, Plaintiff does not provide the Court with any reason other than pure speculation to believe that she would be in any danger of suffering any negative consequences should her name be made public in this case as it was the *Ludlow* litigation.

Second, allowing Plaintiff to litigate pseudonymously would prejudice the Defendants. Plaintiff made the affirmative decision to initiate this lawsuit and use this Court as a platform to publicly accuse Defendants of serious misconduct. Unlike Defendants, in this case Plaintiff was not dragged into court against her will. As the Seventh Circuit observed, "if the complaint's allegations are false, then anonymity provides a shield behind which defamatory charges may be launched without shame or liability." *Doe v. Smith*, 429 F.3d 706, 710 (7th Cir. 2005); *see also Shakur*, 164 F.R.D. at 361 ("[P]laintiff has chosen to bring this lawsuit. She has made serious charges and put her credibility in issue. Fairness requires that she be prepared to stand behind her charges publicly."); *Indiana Black Expo*, 923 F. Supp. at 141-42 ("Basic fairness requires that where a plaintiff makes such accusations publicly, [s]he should stand behind those accusations, and the defendants should be able to defend themselves publicly."). Plaintiff chose to initiate this litigation; Defendants seek nothing more nor less than a level playing field.

Furthermore, rather than avoiding the limelight, Plaintiff has worked to draw widespread publicity for her lawsuit. Her attorneys have issued a press release about this litigation and have given extensive media interviews about it. Press Release, Salvatore Prescott & Porter, PLLC, Graduate Student Sues Northwestern Professor and HarperCollins for Defamation and Invasion

of Privacy (May 16, 2017), available at: http://dailynous.com/wp-content/uploads/2017/05/kipnis-lawsuit-press-release_doe-v.-harpercollins-et-al-05.16.17.pdf;

see also, e.g., Dawn Rhodes, *Northwestern student sues prof Laura Kipnis over 'Unwanted Advances' book*, CHICAGO TRIBUNE (May 17, 2017, 8:55 p.m.), <http://www.chicagotribune.com/news/local/breaking/ct-northwestern-student-sues-professor-book-20170517-story.html>; Allyson Chiu and Matthew Choi, *In Focus: Northwestern graduate student sues professor for invasion of privacy, defamation following book release*, THE DAILY NORTHWESTERN (May 22, 2017), <https://dailynorthwestern.com/2017/05/22/campus/northwestern-graduate-student-sues-professor-for-invasion-of-privacy-defamation-following-book-release/>. And the day after Plaintiff filed her motion, the *Chicago Reader* quoted one of Plaintiff's attorneys as saying Defendants' publication of *Unwanted Advances* was "just plain wrong." Deanna Isaacs, *Is Laura Kipnis's new book an act of retaliation?*, CHICAGO READER (June 6, 2017), <https://m.chicagoreader.com/chicago/laura-kipnis-unwanted-advances-lawsuit-title-ix/Content?oid=26880636>.⁴

In similar circumstances, other federal courts have held that it would be unfair to suppress the identities of plaintiffs who voluntarily sought publicity for their lawsuits. See, e.g., *Doe v. N. Carolina Cent. Univ.*, No. 1:98CV01095, 1999 WL 1939248, at *4 (M.D.N.C. Apr. 15, 1999) (noting, in denying anonymity for university police officer who accused her supervisor of rape, that "Plaintiff's attorney has made several statements to the media regarding this case,

⁴ The Court may take judicial notice of these published articles. See, e.g., *United States ex rel. John v. Hastert*, 82 F. Supp. 3d 750, 764 (N.D. Ill. 2015) (holding that the court could take judicial notice of Chicago Tribune articles to conclude that information in complaint had previously been publicly disclosed and was in the public realm); *United States ex rel. Bogina v. Medline Indus., Inc.*, No. 11 C 05373, 2015 WL 1396190, *3 n. 7 (N.D. Ill. Mar. 24, 2015) (taking judicial notice of publications in news media as "not subject to reasonable dispute" and "capable of accurate and ready determination through sources whose accuracy cannot be questioned").

specifically identifying [the supervisor] and leveling charges at NCCU.”). The same conclusion applies here. And, indeed, on a practical level, allowing the Plaintiff to hide her identity while she litigates would leave Defendants with no ability to defend themselves publicly. It simply cannot be the case that this Court allows Plaintiff to publicly flog Defendants behind the shield of anonymity but prohibits Defendants from fully defending themselves in open court.

Third, holding Plaintiff to the requirement that she litigate under her real name serves the public interest in open court proceedings. Federal courts belong to the public, not the litigants, and therefore “[t]he public has an interest in knowing what the judicial system is doing, an interest frustrated when any part of litigation is conducted in secret.” *Smith*, 429 F.3d at 710.

The Seventh Circuit explained:

When [litigants] call on the courts, they must accept the openness that goes with subsidized dispute resolution by public (and publicly accountable) officials. Judicial proceedings are public rather than private property . . . The political branches of government claim legitimacy by election, judges by reason. Any step that withdraws an element of the judicial process from public view makes the ensuing decision look more like fiat.

Union Oil Co. of Cal. v. Leavell, 220 F.3d 562, 567-68 (7th Cir. 2000) (internal citations omitted). Plaintiff has acknowledged the widespread public attention already given to her Title IX claims against Professors Ludlow and Kipnis and the publication of *Unwanted Advances*. *E.g.*, Compl. ¶¶ 1, 51, 53 69-71. In fact, Plaintiff’s attorneys have aggressively joined in the discussion. Those interested in this very public controversy are entitled to complete information about this lawsuit. Put simply, “[t]he people have a right to know who is using their courts.” *Blue Cross*, 112 F.3d at 872.

CONCLUSION

For all of the foregoing reasons, Defendants respectfully request that this Court deny Plaintiff’s motion to proceed pseudonymously, and enter an order requiring Plaintiff to correct

the caption of this case to reflect her actual name and for such other relief as the Court deems appropriate.

Dated: June 9, 2017

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June 2017, a true and correct copy of the above and foregoing was sent via the Court's CM/ECF System to all counsel of record.

/s/ Lauren J. Caisman
Attorney for Defendants

EXHIBIT A

THE CHRONICLE OF HIGHER EDUCATION

Faculty

June 19, 2015

A Professor, a Graduate Student, and 2 Careers Derailed

By Robin Wilson

The first time the young woman wound up in Peter Ludlow's bedroom was during a party at his apartment held by Northwestern University's philosophy department. In the luxury high-rise, with its expansive view of the Chicago skyline, Mr. Ludlow and his colleagues wined and dined prospective graduate students. He was a star professor in the department, and she had just earned her master's degree.

"He brought me into his bedroom, where his printer was, and he was printing off all of this unpublished work that he said nobody else had read, and he said, 'Send me all your half-cooked ideas,'" recalls the woman, who was shocked that such a prominent philosopher would share so much. She had an interest in epistemology, one of the professor's areas of expertise.

Mr. Ludlow says there was nothing unusual about his behavior. Showing a prospective graduate student unfinished work, he says, is "textbook."

The student started the Ph.D. program at Northwestern the next fall, in 2011. Within a month or so, she was spending several evenings a week at his apartment. They drank bottles of red wine on the balcony and debated ideas about the theory of knowledge, scrawling on the floor-to-ceiling windows. They slept in the professor's bed.

She was 25 and had a serious boyfriend who lived in Boston. Mr. Ludlow was 54 and had a history of dating young women.

The professor and the graduate student agree on those details. Everything else about the nature of their relationship is disputed.

She says she made it clear she wanted a mentor, not a romantic partner. She says he raped her one night in November of that year. Mr. Ludlow denies that accusation, saying they regularly had consensual sex and had even discussed marriage.

The student eventually filed a complaint with the university. In 2014, Northwestern found Mr. Ludlow responsible for sexual harassment, not rape. But the fallout was just beginning.

Their story set off a chain reaction of controversies that has placed them and their university at the heart of some of the toughest issues facing higher education. The case — and a separate complaint of sexual assault lodged against Mr. Ludlow by an undergraduate — has become a rallying cry for campus activists who want colleges to do more to stop sexual misconduct. The allegations also represent one more black eye for the discipline of philosophy, which has long been plagued by accusations of harassment and discrimination against women.

What happened between Mr. Ludlow and the graduate student, and how people responded, illustrates the changing campus climate about sex, the complexities of the student-professor relationship, and how difficult it is for colleges to arbitrate when things go wrong. Following the complaints against Mr. Ludlow, Northwestern joined a handful of institutions nationwide and banned all romantic relationships between professors and undergraduates.

In the past few months, the reverberations have grown louder. Another Northwestern professor wrote about what she called "sexual paranoia" on campuses in [an essay](#) published in *The Chronicle Review* that referenced both students' complaints against Mr. Ludlow, without naming names. The essay prompted the graduate student to file federal complaints against the author and the university's president, who had written an [essay](#) in *The Wall Street Journal* defending professors' rights to free speech. His argument, the student said, implied that her complaint against the author was without merit. Those complaints raised new questions about the reach of the federal gender-equity act known as Title IX.

The author of the essay, Laura Kipnis, described her experience as the subject of a Title IX investigation in a [second essay](#) last month for *The Chronicle Review*, prompting a [media firestorm](#) over academic freedom and what's safe to say about sex on campus, and creating a further public-relations debacle for Northwestern.

For both Mr. Ludlow and the graduate student, the latest episode has meant further upheaval that opened up their relationship and their lives to more public scrutiny and further jeopardized their careers.

Mr. Ludlow agreed in late February to talk for the first time about his relationship with the graduate student. Until then he had not publicly commented, instead using the legal system to challenge the actions of the two female students and the university. Talking with *The Chronicle*, he says, "was my last, best hope to get at least some part of the truth out there."

Mr. Ludlow says he faces dismissal hearings at Northwestern next month. (The university says it doesn't comment on personnel matters.) He considers himself a casualty of political correctness as universities rush to judge professors accused of assault, denying them due process along the way.

Their relationship put them at the heart of difficult issues facing academe.

He says he didn't break the Northwestern rule that was in place at the time that prohibited faculty members from dating students over whom they had "evaluative authority."

"I thought it would be a decision based on the facts instead of the public relations," he says of the university's review of the complaints against him. "But if you end up embarrassing the place, good luck trying to stay there."

Mr. Ludlow had been thriving at Northwestern, where he says he was informed that he'd be awarded an endowed chair just three years after arriving in the department, in 2008.

His academic career has taken him from the State University of New York's Stony Brook campus to the University of Michigan at Ann Arbor to the University of Toronto. He married a professor of Italian at Stony Brook, a relationship that lasted 10 years. At Michigan he started seeing an undergraduate a year after she had taken a linguistics course from him, he says. She followed him to Toronto, and he followed her to Chicago, he says, but the relationship fell apart.

Mr. Ludlow is known for connecting the scholarly interests of linguists and philosophers and for redirecting philosophy to an emphasis on studying the logic of ordinary human language.

At Northwestern he also continued to build an expertise in the intersection of philosophy and online culture. In 2006, MTV News named him one of the country's 10 most influential video gamers after the publisher of *The Sims Online* kicked him out of the game when Mr. Ludlow put out a muckraking newspaper revealing virtual sex and financial scams among players. He moved on to another online game, *Second Life*, and wrote a similar paper called *The Alphaville Herald*.

Mr. Ludlow's familiarity with youth culture — in art, media, and video games — and his posh Chicago apartment and Audi convertible and his 1,000-watt philosophy career were an attractive combination. At Northwestern he dated and socialized with several women who were decades younger than him. None of them, he says, were in his classes at the time or under his direct supervision — including the two students who made the complaints. Yet, as with many such relationships between professor and grad student, the lines were blurred. Mr. Ludlow and the graduate student were planning to publish a paper together. And every year, philosophy professors at Northwestern are asked to attend meetings during which the progress of each graduate student is assessed.

But is it predatory for a professor to date students in the same department? Mr. Ludlow doesn't necessarily think so, and he emphasizes that the university's former rules prohibited dating only when the professor supervised the student.

Students, he says, are as likely as professors to instigate relationships, and he adds that he has always been careful to let female students he dated make the first move. "If you're trying to tell me that a 20-year-old college student has a weaker libido than a 50-year-old man," says Mr. Ludlow, "that's a stereotype, and it's a false one."

**The graduate student
saw herself become an
academic villain.**

Prohibiting dating between people who are decades apart in age seems no different to him than doing so between people of different races or religions. "At what point do we decide this is some sort of moral hang-up preventing us from being in a relationship or spending time with people we should be spending time with?" he asks. "It doesn't seem right to lock people out of your life because society considers the relationship inappropriate."

The graduate student, meanwhile, has watched herself become an academic villain after using Title IX to challenge others at Northwestern who wrote and spoke publicly about her charges.

"I'm a wreck," says the graduate student, who is now married and lives out of the country. In talking publicly for the first time about her relationship with the professor, she asked to remain anonymous because she does not want her name openly associated with the rape accusations. While the student has been identified by name on various blogs and in tweets, *The Chronicle* does not typically publish the names of those who lodge rape charges.

"I am a shadow of my former self," she says.

The graduate student says the attention she remembers receiving from Mr. Ludlow during the recruitment party continued after she accepted Northwestern's admissions offer. Mr. Ludlow, she says, asked her to travel to the University of St. Andrews, in Scotland, to visit one of the world's leading centers for philosophy. He told her he'd rented a house on the ocean where she could stay. She says

he offered to use his research funds to pay for her trip and asked her not to mention that to anyone.

The graduate student says the trip sounded "magical." But she reluctantly declined after consulting with faculty advisers at her master's-degree institution and deciding that accepting might not only appear inappropriate but could also alienate her from her fellow graduate students.

Mr. Ludlow says trying to arrange the trip was not a special favor but part of his job. The student had made it clear that she wanted to visit St. Andrews, and after accepting Northwestern's offer, she asked again about the opportunity, he says. "When she asked me to arrange something, I said I'd do it. It's what you are supposed to do for a student."

Using his own research funds was a fallback option, he says, if she didn't find another way to pay for the trip. In making the offer, he says, he didn't want to make other students jealous, which is why he asked her to keep it quiet.

Over the next couple of months, the graduate student and Mr. Ludlow agree, they grew close. They ate out together almost every night when they were both in town, and then spent the rest of most evenings at his apartment. He says they had pet names for each other: He called her "Spoon" because the first night she spent at his place, she asked if he could "spoon" her while they slept, he says. She called him "1,000 Angels," in reference to Tina Fey's character in *30 Rock*, who said she was so happy she was "high-fiving a million angels." (The graduate student says the term was a joke and didn't mean anything to her.)

According to Mr. Ludlow, the two had sex numerous times at his apartment during their three-month relationship, and he showed *The Chronicle* text messages in which the graduate student told him that she was "in love" and that they were made for each other. The graduate student says those were conversations she was manipulated into having by a man who told her he was lonely and needed a friend.

Mr. Ludlow also showed *The Chronicle* a picture of a card they had filled out in early November 2011 after dinner at a Chicago restaurant called iNG. The restaurant used the card to collect contact information. On it the graduate student had written: "I'm sorry my boyfriend's a douche. Please email us anyway."

Beneath that, Mr. Ludlow had added: "This is the first time she ever called me her boyfriend so thank you Chef Cantu."

The graduate student then wrote: "That's a big step, FYI."

The graduate student says she was very drunk when she completed the card at the restaurant and never thought of Mr. Ludlow as her boyfriend. But he says he took her sentiment seriously because it seemed in line with her behavior. "She didn't seem to care about anything but talking to me and hanging out with me," he says. "The amount of love I felt coming from her was something I hadn't felt before. I could sit and talk to her forever."

Still, Mr. Ludlow acknowledges that it was he who was the most invested in the relationship, and that he kept pressing the student to make it exclusive. She told him she couldn't decide between him and her Boston boyfriend, Mr. Ludlow says.

"We liked the same kind of music, we both had a nerdy streak in us," he says. "She was not intimidated by me in any way, and it wasn't like the connection we had was due to professorial gravitas."

But the graduate student says Mr. Ludlow used his position to take advantage of her — praising her work, offering to help launch her career, telling her she was a "rock star," then pushing her to make their relationship romantic. The clash between their intentions was the subject of several heated arguments between them, she says.

"We would be spending time together, hanging out a ton, having these late, late, late nights where we would sit up and talk about philosophy, and they were so engaging and so lovely," she says. "And then there would be these cracks. He would get sad and distant and upset because he was in love with me."

The graduate student says she did not consider their relationship romantic, nor did she consider them to be dating.

One time, she says, when they were sitting on the balcony, Mr. Ludlow kissed her and she remembers saying: "Peter, I have a boyfriend. I can't reciprocate." In retrospect, she says, "I should have gotten up and left, but I thought, OK, let's just act like that didn't happen." (Mr. Ludlow says the graduate student kissed him first.)

She kept the precarious relationship going, she says, because she benefited from the professional connection. She and Mr. Ludlow were planning to publish their academic paper. But she says she always walked a tightrope between the philosophical work she enjoyed and the physical relationship he was pushing for.

One night in late November 2011, the graduate student says, everything changed. As usual, the two were sleeping in his bed after a night of drinking and talking about philosophy. But that night, while she was passed out from too much alcohol, she says, Mr. Ludlow had sex with her.

She doesn't remember any of the details other than when she woke up in the morning, it was clear to her what had happened. "I remembered feeling like I had lost," she says. "I had been fighting this fight for a long time and trying to draw a line in the sand. I just felt crushing sadness."

Mr. Ludlow disputes that account. What happened, he says, is that he simply could no longer take the student's vacillating between him and her boyfriend. On the night in question, he says, he went to a hotel and left her at his apartment alone.

Over the next several weeks, he and the graduate student continued to exchange text messages. He shared some of them with *The Chronicle*. "I thought I could choose," she wrote in one conversation. "... Instead I just felt like I was flipping back and forth. I wish it was really obvious and easy. But it's not. And I don't want to hurt anybody. I just don't know what I want."

After that, their relationship slowly unraveled, ending for good in

January 2012.

Just before that, in late December, the two had a prophetic exchange over Google Chat in which they discussed their fears over how their relationship might be viewed by others. The conversation began because the student believed that Mr. Ludlow might have confided in a prominent philosopher.

Student: "Do you understand how devastating rumors about me having an unprofessional relationship with one of my advisers could be? Did you give [him] a reason to think that our relationship was anything more than professional?"

Mr. Ludlow: "I lied to him and said we don't have a romantic relationship. I have as much to lose as you do."

Student: "You already have a career. Mine could be over before it even begins if my credibility is shot at this point. You can't lose your job."

Mr. Ludlow: "Watch it happen if you go to the admin."

Student: "You know I don't have a dishonest bone in my body. I could never do that to anybody."

Mr. Ludlow says the exchange validates his assertion that the two had a romantic relationship.

The graduate student says she simply decided not to challenge him on his interpretation of their relationship. What she was most concerned with, she says, was what he was telling others.

"I wasn't trying to go to war with Peter Ludlow. I just wanted it to be over. I wanted out," she says. "I let an impossible situation get out of hand."

Although the graduate student said in that exchange that she wouldn't go to administrators, she eventually did. But not right away.

In February 2012 — a month after the relationship with Mr.

Ludlow ended — a freshman who had taken his course in the philosophy of online culture the semester before emailed him about an art show she thought would interest him. He offered to drive them both to the show, and they met at his campus office. Mr. Ludlow says he wanted the philosophy department's chairman to see that he was doing his job. Northwestern encourages professors to create opportunities for "experiential learning" for students outside of class.

That night, Mr. Ludlow and the female student, who was 19, not only stopped at several art shows, but at two restaurants and a jazz club, where the woman says he ordered alcohol and insisted she drink. She says he ignored several of her requests that they return to Northwestern. By the time they ended up back at his apartment, after midnight, she says, she was drunk. She detailed her allegations in a lawsuit she later filed against the university, saying that over the course of the evening Mr. Ludlow had kissed her, put his hands on her body, and told her he wanted to have sex.

**Renewed debates
pitted protection of
sex-assault victims
against professors'
academic freedom.**

According to Mr. Ludlow, the young woman ordered her own drinks and didn't consume enough to get drunk. He says she told him she wanted to date him, and at the jazz club she leaned in and kissed him. It was her idea to stay at his apartment, he says. And while she ended up sleeping in his bed that night, they slept with their clothes on and — both agree — never had sex. He drove her back to her dorm in the snow the next morning.

Within days the undergraduate had complained to the university, saying Mr. Ludlow had sexually assaulted her with fondling and kissing. "The big deal is that this was unwanted," she said in a brief interview with *The Chronicle* this month. "This was freshman year, with someone I respected and trusted."

The university found Mr. Ludlow responsible for some but not all of the "unwelcome and inappropriate sexual advances" described. Northwestern docked his pay, withdrew his endowed chair, and

required him to go to sensitivity training. Because such proceedings are confidential, few people even knew about the complaint or that Mr. Ludlow had been punished.

Within a year of the incident with the undergraduate, Mr. Ludlow was making plans to move on. In 2013 he accepted a job offer at Rutgers University — which has a highly regarded philosophy department — where he also would direct the university's Center for Cognitive Science.

But before he could make the move, the undergraduate at Northwestern had thrown the dispute between her and Mr. Ludlow into the open. In February 2014 she sued the university, claiming that it had botched its investigation of her complaint and inadequately punished Mr. Ludlow. The trauma of their sexual interaction, she says, had caused her to try to commit suicide. She charged Northwestern with retaliating against her by denying her both a fellowship and some of the academic accommodations she requested after the night with Mr. Ludlow. In its response to the lawsuit, Northwestern denied all of her charges, saying it had properly responded to her complaint.

The undergraduate sued Mr. Ludlow, too, under the Illinois Gender Violence Act. The professor responded with a defamation suit against her. When news of the lawsuits broke, students at Northwestern staged protests, gathering outside Mr. Ludlow's classroom with tape over their mouths and signs that read, "We Will Not Be Silenced." With controversy swirling around him, he agreed to stop teaching for the remainder of the spring quarter last year.

After students at Rutgers learned about the complaints at Northwestern and their university's plan to hire Mr. Ludlow, they, too, protested, and Rutgers abandoned its interest in Mr. Ludlow, he says. In a statement, Rutgers said: "When Rutgers learned of allegations against Professor Ludlow at Northwestern, the university requested relevant information from Professor Ludlow and his attorney. This information was not provided. As a result, Professor Ludlow did not come to Rutgers University."

After reading the details of the undergraduate's lawsuit, the graduate student decided to finally tell someone at Northwestern what had happened between her and Mr. Ludlow. She chose as her confidante Jennifer Lackey, a philosophy professor who serves as her dissertation adviser. As a result of that conversation, Ms. Lackey was required by the university to report the allegations to administrators. After consulting with Ms. Lackey, the graduate student lodged a formal complaint of sexual assault against Mr. Ludlow in March 2014. Ms. Lackey — who has been sued by Mr. Ludlow in connection with the graduate student's complaint — declined to comment for this article.

The professor says he was stunned, but he expected the university to clear him.

Northwestern determined that he hadn't violated its policy prohibiting professors from dating students they supervise. The graduate student had not taken any classes with him, nor had the annual review of graduate students by the department occurred, so Mr. Ludlow hadn't offered any formal opinions of her work.

Northwestern did find that Mr. Ludlow had violated its policy on sexual harassment. By virtue of his position as a professor, it said, he had taken advantage of the unequal relationship between him and the student and had courted her by offering her expensive dinners and other social benefits she would otherwise not have had. In doing so, the university found, Mr. Ludlow had used his position as a faculty member to exert pressure on the student to engage in an intimate relationship that had negatively affected her academic performance.

That's when the professor filed a lawsuit against the graduate student, Ms. Lackey, several university officials, and Northwestern. The lawsuit included charges of defamation and gender discrimination. A federal judge dismissed Mr. Ludlow's case in February, but he has since refiled it.

Northwestern issued a statement to *The Chronicle* in which it said it cannot comment on individual cases. The university, though, went on to say that it is committed to creating and maintaining a

safe and harassment-free environment. Northwestern, the statement also said, is "one of very few universities" with a policy that expressly bans faculty-undergraduate relationships and "is a leader in this area."

For both Mr. Ludlow and the graduate student, the turmoil that their relationship had created seemed to be winding to a close by the beginning of this year. Still outstanding were the final verdicts in the professor's lawsuits and a decision on whether he would keep his \$190,000-a-year job. He sold his apartment and his car to pay his legal bills and was living in Chicago in the basement of a friend's mother.

But then Ms. Kipnis's essays, published in February and in May, returned their story to public view and kicked up an even greater controversy.

Drawn into the mix were new debates pitting a university's obligation to protect victims of sex assault against its responsibility to maintain a professor's academic freedom. The graduate student felt that Ms. Kipnis's words belittled her and the serious charges she had brought against Mr. Ludlow, arguing that the essay amounted to retaliation. Widespread condemnation of the student has ensued; several commenters have said no academic department should ever hire her now.

Beyond a handful of words, Ms. Kipnis says her original essay was not about the graduate student. The student was simply upset, says Ms. Kipnis, that the article wasn't written from her point of view. Although Ms. Kipnis believes that the Title IX charges brought against her were outrageous, she says some of the harsh criticism the student received online was "brutal" and made Ms. Kipnis herself uncomfortable. On her Facebook page, where she posted her *Chronicle* essays, Ms. Kipnis said she didn't agree with commenters who called the student a "bully" for using Title IX.

In the end, Northwestern decided that Ms. Kipnis was not responsible for retaliation, but not before it had hired a team of outside lawyers to help make the determination. And not before people on the campus and off criticized the university for

investigating the graduate student's complaints against Ms. Kipnis so thoroughly. Morton O. Schapiro, Northwestern's president, said it had had no choice. But faculty members said the way administrators handled the situation had a chilling effect and damaged the university's reputation.

After the university **cleared** Ms. Kipnis, the graduate student dropped the complaint she'd filed against Northwestern's president.

In the wake of the controversy, Mr. Schapiro and Daniel Linzer, the provost, issued a **joint statement** this month that sought to clarify the university's position. "The offensiveness of a particular view, standing alone, is not a sufficient basis to establish a Title IX claim," the statement read. But, the administrators continued, "we ask that members of the Northwestern community be mindful of the privacy of others and help maintain a campus climate that fosters mutual respect and healthy discourse, while protecting the interests of those who take advantage of the rights afforded to them under the law."

The graduate student says she wishes now she'd never made the original sex-assault complaint against Mr. Ludlow. Northwestern, she says, didn't ensure that professors would keep her charges out of open conversations on the campus and out of the news media, and didn't protect her from retaliation, as she'd expected.

Her name has been spread widely online. "Why did I trust the system with this thing that is the most delicate, most humiliating, most agonizing thing that's ever happened to me?" she asks. "Why did I hand this over to a system that is so toothless, so full of empty promises, only to be made a laughingstock?"

The graduate student has barely written a word on philosophy in the 15 months since she filed her complaint against Mr. Ludlow. She fears that she'll never finish her Ph.D. "I need this all to be over," she says. "I need to find the fastest, safest way to the other side."

Meanwhile, Mr. Ludlow is planning to move to Mexico — where

the living is cheaper and where, he says, he can still study and write. "Things are not that bad," he says. "Everyone you meet is someone you can share knowledge with and gain information from."

The events of the past few years, he says, won't ruin him. Neither will Northwestern. "There is a certain level of freedom they can't take away," Mr. Ludlow says. "They can't stop me from doing philosophy."

How One Professor's Relations With Students Led to Controversy

July 2008: Peter Ludlow is hired as a full professor by Northwestern's philosophy department.

February 2012: A Northwestern undergraduate lodges a complaint with the university against Mr. Ludlow, alleging sexual assault. The university finds the professor responsible for some "unwelcome and inappropriate sexual advances" but not all. Northwestern docks the professor's pay, withdraws his endowed chair, and requires him to go to sensitivity training, according to Mr. Ludlow.

February 2014: The undergraduate sues Northwestern, asserting that it botched its investigation into her complaint and inadequately punished Mr. Ludlow. She also accuses Northwestern of retaliating against her by denying her both a fellowship and some of the academic accommodations she requested. Northwestern denies her charges, saying it properly responded to her complaint. A federal judge later upholds his decision to dismiss the lawsuit, and the woman files an appeal with the U.S. Court of Appeals for the Seventh Circuit.

The undergraduate sues Mr. Ludlow under the Illinois Gender Violence Act, saying the alleged assault caused her academic performance to suffer and brought on post-traumatic stress disorder.

March 2014: News of the lawsuits breaks, and students at

Northwestern stage protests outside Mr. Ludlow's classroom with tape over their mouths and signs that read: "We Will Not Be Silenced." The professor agrees to stop teaching for the remainder of the spring quarter because of the controversy.

A Northwestern graduate student files a complaint with the university against Mr. Ludlow, alleging that he raped her in 2011. She says she decided to tell her story after reading about the undergraduate's lawsuit. In the graduate student's case, Northwestern finds that Mr. Ludlow violated its policy on sexual harassment, but not assault. The findings — coupled with those involving the undergraduate — prompt the university to schedule hearings to decide whether to fire Mr. Ludlow.

June 2014: Mr. Ludlow files a lawsuit accusing the university of defaming him and of discriminating against him by finding him responsible for sexual harassment. The suit also accuses the graduate student of defamation. A federal judge later dismisses the lawsuit, and Mr. Ludlow's lawyer reorganizes it and refiles it.

October 2014: Mr. Ludlow files a defamation lawsuit against the undergraduate. The professor says she made false statements to the university and to the news media after, he says, he rejected her advances.

February 2015: An essay by Laura Kipnis, a cultural critic and a professor in Northwestern's department of radio, television, and film, is published in *The Chronicle Review*. In it, she writes about what she calls "sexual paranoia" on campuses and criticizes university efforts to limit or forbid student-professor relationships. The essay refers to both students' complaints against Mr. Ludlow, though it doesn't use his name.

March 2015: The graduate student files a complaint against Ms. Kipnis, alleging that she violated the federal gender-equity law known as Title IX. Ms. Kipnis did so, says the graduate student, by retaliating against her by speaking and writing about her complaint against Mr. Ludlow. The graduate student then files a Title IX complaint against the university's president, saying that in an essay he wrote for *The Wall Street Journal*, he implied that

the graduate student's complaint against Ms. Kipnis had no merit.

May 2015: Ms. Kipnis details her experience as the subject of a Title IX investigation in a second essay for *The Chronicle Review*, prompting a media firestorm over academic freedom and about what's safe to say about sex on campus. Northwestern decides that Ms. Kipnis is not responsible for retaliation, and the graduate student then drops the other complaint. Still, Northwestern professors say the way the administrators handled the investigation had a chilling effect. The university's president says the institution had no choice but to investigate. The graduate student files an internal complaint against the head of the Faculty Senate, saying he broke university rules concerning confidentiality when he spoke during a senate meeting about her complaint against Ms. Kipnis. The graduate student drops the complaint before the university can make a decision on it.

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