

SPECIAL REPORT

**Lawsuits Against Universities For
Alleged Mishandling of Sexual Misconduct Cases**



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In 2001 the Department of Education’s Office for Civil Rights issued its Revised Sexual Harassment Guidance that delineated the duties of schools both in preventing sexual harassment and responding to harassment grievances.¹ During subsequent years, the Office for Civil Rights (OCR) released additional policy directives that served to further expand the responsibilities of universities² in curbing this problem.

This process culminated in 2011 when the Office for Civil Rights issued a Dear Colleague Letter (DCL) on sexual violence.³ Subsequent events would prove this policy to be a watershed event in expanding and re-defining the role of colleges and universities in the adjudication of allegations of sexual misconduct. Applying to all universities that receive Department of Education financial support, the DCL contained new requirements for:⁴

1. Campus adjudication of all allegations of felony-level sexual assault
2. Use of the preponderance of evidence standard of proof
3. Allowance for the complaint to appeal an adverse decision, if the accused also is afforded this right
4. Notification to complainants of their legal rights, without addressing corresponding notification to accused persons
5. Right of the complainant to request that the Title IX coordinator impose any additional “remedy under Title IX that was not available through the disciplinary committee”

The provisions of the Dear Colleague Letter were enforced through a vigorous compliance oversight effort by the Office for Civil Rights. In addition, many colleges implemented changes that went well beyond the requirements of the Dear Colleague Letter, such as relying on a single investigator to adjudicate the case and imposing interim sanctions before the investigation was completed.⁵ Not surprisingly, these changes have had the effect of violating students’ due process, contractual, and other rights, giving rise to a spate of lawsuits against the colleges.⁶

Trends in Lawsuit Filings

United Educators, which insures approximately 1,000 universities across the nation, reports that from 2006 to 2010 it received 262 claims of student-perpetrated sexual assault, an average of 52.4

¹ REVISED SEXUAL HARASSMENT GUIDANCE – JANUARY 19, 2001, U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS, *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>.

² In this report, ‘school,’ ‘university,’ and ‘college’ are used interchangeably.

³ DEAR COLLEAGUE LETTER – APRIL 4, 2011, U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS, *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

⁴ Stephen Henrick, “A Hostile Environment for Student Defendants: Title IX and Sexual Assault on College Campuses,” 40 N. KY. L. REV. 49 (2013), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2126340.

⁵ “How American College Campuses Have Become Anti-Due Process,” K.C. Johnson, THE HERITAGE FOUNDATION Backgrounder 3113, Aug. 2, 2016, <http://www.heritage.org/research/reports/2016/08/how-american-college-campuses-have-become-antidue-process>.

⁶ “Out of Balance, Colleges Lose Series of Rulings in Suits Brought by Male Students Accused of Sex Assault,” Jake New, INSIDE HIGHER ED, Apr. 14, 2016, *available at* <https://www.insidehighered.com/news/2016/04/14/several-students-win-recent-lawsuits-against-colleges-punished-them-sexual-assault>.

claims per year.⁷ In 2011, United Educators received 78 claims, and in 2012, 73 claims. In 2013 this number more than doubled, to 154 claims.⁸

Similarly, the Title IX for All database records a strong increase in the numbers of lawsuits by accused students in recent years:⁹

- 2012: 1
- 2013: 10
- 2014: 34
- 2015: 53
- 2016 (through July 15): 24

Lawsuits by accused students also represent a growing proportion of all sexual assault lawsuits:

Table 1: Filings by Accusers and Accused Students

	Accusers	Accused Students	Total
2006-2010 ¹⁰	46%	54%	100%
2011-2013 ¹¹	39%	61%	100%
2014-2015 ¹²	22%	78%	100%

Lawsuit Selection

Because lawsuits by accused students represent the vast majority of contemporary cases, these are the primary focus of this report.¹³ Among the 122 sexual misconduct lawsuits filed by accused students since January 1, 2012,¹⁴ a court issued a decision in 51 of these cases by July 15, 2016. Among these cases, 21 were decided entirely in favor of the defendant and 30 decided at least partly in favor of the plaintiff.¹⁵ These 30 lawsuits are the focus of this Special Report.

⁷ Alyssa Keehan, “Student Sexual Assault: Weathering the Perfect Storm,” UNITED EDUCATORS, 2011, http://contentz.mkt5031.com/lp/37886/394531/Student%20Sexual%20Assault_Weathering%20the%20Perfect%20Storm.pdf at page 2. This report also notes that lawsuits by accused students accounted for 72% of all legal fees and payments to claimants.

⁸ Alyssa Keehan, “Confronting Campus Sexual Assault: An Examination of Higher Education Claims,” UNITED EDUCATORS, 2014, http://contentz.mkt5031.com/lp/37886/394531/Student%20Sexual%20Assault_Weathering%20the%20Perfect%20Storm.pdf at Figure 14.

⁹ Due Process Lawsuits Database, TITLE IX FOR ALL, <http://boysmeneducation.com/lawsuits-database/>.

¹⁰ See supra note 7.

¹¹ See supra note 8.

¹² “Between a Rock and a Hard Place: A Discussion of Issues That Frequently Arise in Sexual Misconduct-Related Litigation Against Colleges and Universities,” NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, Vol. 14, May 18, 2016, available at <http://counsel.cua.edu/res/docs/titleixlitigation.pdf>.

¹³ Lawsuits by sexual assault complainants are discussed beginning on page 20 of this report.

¹⁴ See supra note 9.

¹⁵ In the context of these lawsuits, the plaintiff is the student who was accused of or suspended/expelled on allegations of sexual misconduct, and the defendant is normally the university that conducted the disciplinary hearing. In some of the lawsuits, faculty or staff members were also named as defendants individually or in lieu of the college.

To be included in this analysis, a lawsuit had to meet four criteria:

1. An accused student filed a lawsuit against the university regarding its involvement in the sexual misconduct case.¹⁶
2. The lawsuit was filed in 2012 or afterwards.¹⁷
3. A court of law issued a ruling at least partly favorable to the plaintiff.
4. The ruling was issued no later than July 15, 2016.

Table 2 lists the lawsuits that are the focus of this Special Report.

Table 2: Lawsuits Reviewed

Case Number	School Name, State	Case Name
1	Agnes Scott College, GA	Agnes Scott College v. Amanda Hartley
2	Appalachian State University, NC	Lanston Tanyi v. Appalachian State U.
3	Brandeis University, MA	John Doe v. Brandeis
4	Brown University, RI	John Doe v. Brown
5	Brown University, RI	John Doe v. Brown
6	Cornell University, NY	Vito Prasad v. Cornell
7	DePauw University, IN	Benjamin King v. DePauw
8	Duke University, NC	Lewis McLeod v. Duke
9	George Mason University, VA	John Doe v. George Mason
10	Georgia Institute of Technology, GA	John Doe v. Georgia Regents
11	Indiana University, IN	Jeremiah Marshall v. Indiana U.
12	Iowa State University, IA	Yempabou Palo v. Iowa Board of Regents
13	James Madison University, VA	John Doe v. Jonathan Alger, et. al.
14	La Sierra University, CA	John Doe v. Marni Straine, et. al.
15	Marlboro College, VT	Luke Benning v. Marlboro
16	Middlebury College, VT	John Doe v. Middlebury
17	Oklahoma City University, OK	Samuel Ritter v. Oklahoma City U.
18	Pennsylvania State University, PA	John Doe 1 and 2 v. Penn State
19	Saint Joseph's University, PA	Brian Harris v. Saint Joseph's U.
20	Salisbury University, MD	John Doe v. Salisbury
21	Salisbury University, MD	John Doe, et. al. v. Salisbury
22	Tulane University, LA	I.F. v. Tulane Fund Administrators
23	University of California, Davis, CA	John Doe v. UC Davis

¹⁶ In this report, 'sexual misconduct' refers to rape, sexual assault, and other sexual offenses.

¹⁷ For two of the 30 lawsuits -- *Agnes Scott College v. Amanda Hartley* and *I.F. v. Tulane Fund Administrators* -- the university's adjudication of the allegation or involvement in the case pre-dated the issuance of the 2011 Dear Colleague Letter. For all other cases, the university adjudication occurred after issuance of the 2011 Dear Colleague Letter.

24	University of California, San Diego, CA	John Doe v. UC San Diego
25	University of Michigan, MI	Drew Sterrett v. Heather Cowan
26	University of Southern California, CA	John Doe v. USC
27	University of Southern California, CA	Bryce Dixon v. Kegan Allee, et. al.
28	University of Tennessee, Chattanooga, TN	Corey Mock v. U. of TN, Chattanooga
29	Washington and Lee University, VA	John Doe v. Washington and Lee
30	Xavier University, OH	Dez Wells v. Xavier U.

In 25 of the 30 lawsuits reviewed, courts ruled all or a portion of the pleadings were sufficient. The remaining five cases (Case Nos. 22, 24, 26, 27, and 28) were either resolved on the merits or the parties settled following a court decision in favor of the plaintiff.

A summary of these lawsuits is available online.¹⁸ Because no comprehensive database of such lawsuits exists and due to the difficulty in accessing state court databases, it is likely that other similar lawsuits exist but could not be located for this report.

This Special Report is organized into these sections:

1. Lawsuit Overview
2. Causes of Action
3. Relief Requested
4. Emerging Judicial Perspectives
5. Injustice for All

Detailed information about the 30 lawsuits is contained in three Appendices, available in separate files on the SAVE website.¹⁹

1. Appendix A: Lawsuit Overview
2. Appendix B: Causes of Action
3. Appendix C: Relief Requested

LAWSUIT OVERVIEW

The key findings are highlighted below. Detailed information is presented in Appendix A.

I. Identifying Information

The Case Number and School Name (arranged in alphabetical order) are displayed in Appendix A, Columns A and B, respectively.

¹⁸ “Court Decisions”, STOP ABUSIVE AND VIOLENT ENVIRONMENTS, <http://www.saveservices.org/sexual-assault/court-decisions/>

¹⁹ See “Special Reports,” STOP ABUSIVE AND VIOLENT ENVIRONMENTS, <http://www.saveservices.org/reports/>.

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The Case Names are presented in Column C. An inspection of the Case Names reveals that in 15 of the 30 lawsuits, the plaintiff was listed as ‘John Doe.’ In 14 cases, the plaintiff’s actual name was used. In one case (Case No. 21), only the plaintiff’s initials were listed.

Twenty-nine of the cases involved a male plaintiff. The single female plaintiff, Amanda Hartley, was a student at Agnes Scott College in Georgia (Case No. 1).

The Case Citation is displayed in Column D. For readers who wish to peruse the legal source documents, the “Title IX for All” Record Number²⁰ is presented in Column E.

In 16 out of 30 cases, the source document was the Defendant’s Motion to Dismiss (Column F). In the remaining 14 courses, other types of court orders were reviewed (Column G).

II. College Characteristics

Seventeen lawsuits named private universities and 13 involved public universities (Appendix A, Columns H and I). In 2013, 13.3 million students enrolled in public institutions and 2.8 million students enrolled in private non-profit institutions.²¹ The disproportionate number of lawsuits involving private colleges may be a reflection of the fact that private institutions are not legally compelled to respect constitutional protections, or because private school students are more likely to file lawsuits because they are better able to handle the associated legal expenses.

III. Anonymity of Sexual Misconduct Complainant

In five of the 30 lawsuits, the name of the person who filed the original complaint of sexual misconduct was stated (Column J). In 25 cases, the initials of the complainant or a pseudonym such as “Jane Roe” were used (Appendix A, Column K).

IV. Jury Trial Demanded

In 17 cases, the accused student demanded a jury trial (Appendix A, Column L); in five cases, the accused student did not demand a jury trial (Column M); and in eight cases, it is unknown whether the accused demanded a jury trial (Column N).

The decision to request a jury trial can reflect the fact pattern of the case, plaintiff characteristics, litigation strategy of the plaintiff’s attorney, and other considerations.

V. Court Jurisdiction

Ten of the cases were heard in state courts (Appendix A, Column O), while the remaining 20 were reviewed in federal courts (Column P).

In two instances, a case originally filed in state court was removed to federal court. Removal requires the plaintiff either allege a violation of federal law in the complaint, or the existence of

²⁰ Due Process Lawsuits Database, TITLE IX FOR ALL, <http://boysmeneducation.com/lawsuits-database/>.

²¹ “Undergraduate Enrollment”, NATIONAL CENTER FOR EDUCATION STATISTICS, http://nces.ed.gov/programs/coe/indicator_cha.asp.

diversity jurisdiction (every plaintiff is from a different state than every defendant and more than \$75,000 is at stake).

VI. Case Status

A case was categorized as “resolved” when a settlement was reached or the court had issued a final order. As of July 15, 2016, 14 cases remained pending (Appendix A, Column Q), while a resolution had been reached in 16 cases (Column R).

CAUSES OF ACTION

The legal causes of action are classified into six categories:

1. Constitutional and Other Federal Law Claims
2. Contractual Claims
3. Defamation-Related Torts
4. Equitable Claims
5. Other Tort Claims
6. State-Specific Claims

Each of these causes of action is described in the following sections. Detailed information is found in Appendix B.²²

I. Constitutional and Other Federal Law Claims

Seven types of constitutional and federal law claims were asserted under the following laws:

1. Title IX: A claim under the Education Amendments of 1972, enacted to protect students from sex-based discrimination
2. Lack of Due Process: A constitutional right claim that the college did not provide fundamental fairness or due process rights during a public school’s disciplinary proceedings
3. Equal Protection Clause: A claim created by the Fourteenth Amendment of the Constitution, under which the government is required to apply laws equally to all citizens
4. Free Speech: A claim based on the First Amendment of the United States Constitution, that a public school cannot abridge a student’s constitutionally protected speech
5. Section 1983: A claim under a federal statute, which provides that a governmental entity may not deprive a student of his federal rights²³
6. Section 1985: A claim under a federal statute, which provides that a governmental entity may not conspire to interfere with civil rights²⁴

²² For reasons of economy of space, the number of lawsuits in which the cause of action was *denied* is not presented in the following tables, but can be readily calculated by subtracting the number of cases in which the cause of action was upheld from the number of cases in which the cause of action was alleged.

²³ 42 U.S. Code Section 1983 – *Civil action for deprivation of rights*, Cornell University School of Law Legal Information Institute, <https://www.law.cornell.edu/uscode/text/42/1983>.

²⁴ 42 U.S. Code Section 1985 – *Conspiracy to interfere with civil rights*, Cornell University School of Law Legal Information Institute, <https://www.law.cornell.edu/uscode/text/42/1985>.

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7. Section 1988: A claim that allows federal courts to fill in gaps of federal civil rights statutes with applicable state law²⁵

Table 3 summarizes the number of lawsuits that included one or more constitutional and other federal law claims and corresponding judicial resolutions (the information in this table is extracted from Rows 3, 4, and 5 of Appendix B, Columns C-P):

Table 3: Constitutional and Federal Law Claims and Judicial Findings

Title IX		Lack of Due Process		Equal Protection		Free Speech Infringement	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
13	7	11	8	2	0	3	1

Section 1983		Section 1985		Section 1988	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
3	1	1	0	1	1

Among the 30 lawsuits, 34 separate allegations of constitutional violations were asserted, of which 18 were recognized/upheld by the court. The most common claims were Title IX (13 cases) and Lack of Due Process (11 cases) violations.

II. Contractual Claims

In evaluating institutional liability, courts often infer a contractual relationship between the student and the school based on the terms presented in the student handbook or other university policies.²⁶ Among the 30 lawsuits, three types of contractual claims were asserted:

1. Breach of Contract: A claim that through its disciplinary process, the college or its employees violated a binding written agreement between the student and the college
2. Implied Covenant of Good Faith and Fair Dealing: A claim that the college or its employees violated its implied contractual duty to deal with the student honestly, fairly, and in good faith
3. Deceptive Business Practices: A claim that the college or its agents misled or lured the student’s enrollment through, for example, false advertising of certain aspects of or benefits provided by the school

A summary of the findings is presented in Table 4 (Appendix B, Columns Q-V).

²⁵ Section 1988 includes both a cause of action for federal civil rights violations, as well as a claim for relief for attorney’s fees. We include Section 1988 in both Appendix B – Causes of Action and Appendix C – Relief Requested because it is unknown in at least one case involving Section 1988 which meaning the plaintiff intended.

²⁶ *Mangla v. Brown University*, 135 F.3d 80 (1st Cir. 1998).

Table 4: Contractual Claims and Judicial Findings

Breach of Contract		Implied Covenant of Good Faith and Fair Dealing		Deceptive Business Practices	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
13	8	4	3	1	0

Among the 30 lawsuits, 18 separate allegations of contractual violations were asserted, of which 11 were recognized/upheld by the court. In four of the lawsuits, more than one contract claim was made.

III. Defamation-Related Torts

Among the 30 lawsuits, eight different types of defamation claims were asserted:

1. Defamation: A claim that the college or its employees made a spoken or written false statement about the student, which caused injury to the student’s reputation
2. Defamation Per Se: A claim that the college or its employees made a spoken or written false statement about the student that is defamatory on its face, which caused injury to the student’s reputation
3. False Light: A claim that the university made a disclosure about the student to a large enough group of people to be a ‘public disclosure’
4. Libel: A claim that the college or its employees published a false written statement about the student which caused injury to the student’s reputation
5. Libel per se: A claim that the college or its employees published a false written statement about the student which damaged the student’s reputation, such as claiming that the student committed a crime, engaged in an immoral act, or acted dishonestly in business
6. Libel, Reckless Disregard/Malice: A claim that the college or its employees published a false written statement against the student which caused injury to the student’s reputation, specifically in a way that was reckless or out of spite, ill-will, or with a bad motive²⁷
7. Libel per Quod: A claim that the college or its employees published a false written statement about the student, that requires additional facts to show that the phrase or act was damaging to the student’s reputation
8. Invasion of Privacy: A claim that the college or its employees intruded into the student’s private affairs unlawfully, and disclosed the private information to others or publicized the information in a false light

Table 5 summarizes the number of lawsuits that included one or more defamation-related claims and the corresponding judicial findings (Appendix B, Columns W-AL).

²⁷ In the context of a defamation claim by a public figure, "actual malice" is required to establish the claim, meaning that it must be shown that the accused party published something either knowing it was false or with reckless disregard for its truth or falsity.

Table 5: Defamation Claims and Judicial Findings

Defamation		Defamation Per Se		False Light		Libel	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
3	1	2	1	1	0	1	0

Libel Per Se		Libel, Reckless Disregard/Malice		Libel Per Quod		Invasion of Privacy	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
1	1	1	1	1	1	1	0

Among the lawsuits reviewed, 11 separate allegations of defamation-related violations were asserted, of which five were recognized/upheld by the court. In one of the cases, *Dez Wells v. Xavier University* (Case No. 30), four different defamation claims were asserted.

IV. Equitable Claims

Among the 30 lawsuits, three different types of equitable claims were alleged:

1. Estoppel and Reliance: A claim intended to ensure fairness, whereby the college is prevented from making assertions that are contradictory to their prior positions on certain matters and on which the student had relied
2. Promissory Estoppel: A claim that the university has made a promise to the student for the purpose of inducing the student to act in a certain manner, that the student reasonably relied on that promise, and the university failed to uphold the promise²⁸
3. Equitable Estoppel: A claim that the university cannot use a certain claim or defense that is inconsistent with its prior action or conduct²⁹

Table 6 presents a summary of the findings for Equitable Claims (Appendix B, Columns AM-AR).

Table 6: Equitable Claims and Judicial Findings

Estoppel and Reliance		Promissory Estoppel		Equitable Estoppel	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
1	0	3	0	1	0

Among the 30 lawsuits, five separate allegations of equitable violations were asserted, of which none were upheld by the court. The lawsuit against Brandeis University (Case No. 3) alleged two different equitable claims.

V. Other Tort Claims

Among the 30 lawsuits, 11 types of other tort claims were alleged:

²⁸ *Promissory estoppel*, Cornell University Law School Legal Information Institute, https://www.law.cornell.edu/wex/promissory_estoppel.

²⁹ *Equitable estoppel*, Duhaime's Law Dictionary, <http://www.duhaime.org/LegalDictionary/E/EquitableEstoppel.aspx>.

1. Negligence: A claim that the college or its employees did not act with reasonable care under the circumstances
2. Negligence Per Se: A claim that an act was negligent because the act violated a law
3. Negligent Misrepresentation: A claim that the college or its employees made a representation to the student while having no reasonable basis to believe the truth of said representation, causing injury to the student
4. Intentional Infliction of Emotional Distress: A claim that the college or its employees acted intentionally or recklessly, in an extreme or outrageous way, that caused the plaintiff severe mental or emotional injury
5. Negligent Infliction of Emotional Distress: A claim that the college or its employees unreasonably, but with no intent to cause injury, caused the student mental or emotional injury
6. Malicious Arrest: A common law claim based on the claim that the defendant held the plaintiff in custody without probable cause or a court order
7. Tortious Conduct of Employees under Respondeat Superior: A claim that the university is responsible for negligent, malicious, or reckless acts of its employees
8. Civil Conspiracy: A claim that two or more persons agreed to break the law, causing injury to the student
9. Fraud: A claim that the school engaged in wrongful or criminal deception in order to result in financial gain
10. Constructive Fraud: A claim that the defendant gained an unfair advantage over the plaintiff by deceitful or unfair methods, whether intentionally or not
11. Breach of Fiduciary Duty: A claim that the university violated a special standard of care owed to the student due to a legal relationship of trust where the university owes the student the highest standard of care

Table 7 summarizes the number of lawsuits that included other tort claims and the resulting judicial findings (Appendix B, Columns AS-BN).

Table 7: Other Tort Claims and Judicial Findings

Negligence		Negligence Per Se		Negligent Misrepresentation		Intentional Infliction of Emotional Distress	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
9	3	2	1	1	1	5	2

Negligent Infliction of Emotional Distress		Malicious Arrest		Tortious Conduct of Employees		Civil Conspiracy	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
2	2	1	0	3	2	1	0

Fraud		Constructive Fraud		Breach of Fiduciary Duty	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
1	1	1	1	1	1

Among the 30 lawsuits, 27 separate allegations of other tort claim violations were asserted, of which 14 were recognized/upheld by the court. Negligence was by far the most commonly claimed tort cause of action, alleged in nine lawsuits and recognized/upheld in three.

VI. State-Specific Claims

Six different types of state-specific claims were made (Appendix B, Columns BO-CB):

1. California Code of Civil Procedure Section 1094.5: A claim based on the California statute that allows an aggrieved party to challenge a final administrative order or decision, which a student may use to challenge a school’s unfair disciplinary decision
2. New York Human Rights Law: A claim based on a New York law that prohibits discrimination on the basis of “age, race, creed, color, national origin, sexual orientation, military status, sex, marital status or disability” in education³⁰
3. Pennsylvania Unfair Trade Practices and Consumer Protection Laws: A claim based on Pennsylvania code outlawing unfair methods of competition and unfair or deceptive acts or practices³¹
4. North Carolina Common Law for Fundamental Fairness and Due Process: A claim derived from a substantive due process right to fundamental fairness and procedural due process³²
5. Virginia Constitution on Due Process: A claim based on the Virginia due process clause, which matches the U.S. Constitution’s clause³³
6. Virginia Constitution on Equal Protection: A claim based on the Virginia equal protection clause, which is equivalent to the U.S. Constitution’s clause³⁴

Table 8 summarizes the number of lawsuits that included state-specific claims and the resulting judicial findings (Appendix B, Columns BO-CB).

³⁰ ARTICLE 15, HUMAN RIGHTS LAW, NEW YORK STATE EXECUTIVE LAW, *available at* <http://www.dhr.ny.gov/sites/default/files/doc/hrl.pdf>.

³¹ PENNSYLVANIA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW, PENNSYLVANIA ATTORNEY GENERAL’S OFFICE, *available at* https://www.attorneygeneral.gov/uploadedFiles/MainSite/Content/Consumers/Consumer_Protection_Law.pdf.

³² John V. Orth & Paul M. Newby, *The North Carolina State Constitution*, Oxford University Press, 2013, *available at* <http://bit.ly/2aAGXJx>.

³³ Constitution of Virginia, Virginia General Assembly Legislative Information System, *available at* <http://law.lis.virginia.gov/constitution>.

³⁴ *Id.*

Table 8: State-Specific Claims and Judicial Findings

CA: Code of Civil Procedure Section 1094.5 Fair Hearing		New York: Human Rights Law		Pennsylvania: UTPCPL		NC Gen. Statute 75-1.1 for Unfair Competition	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
1	1	1	0	1	1	1	1

NC Law for Fundamental Fairness		Virginia Constitution Due Process		Virginia Constitution Equal Protection	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
1	1	1	0	1	0

Overall, seven separate allegations of state-specific violations were asserted, of which four were upheld by the court.

Summary

Among the 30 lawsuits, a total of 103 causes of action were alleged. Table 9 presents the causes of action that were alleged in at least five lawsuits, and the number of cases for which the judiciary upheld the allegation:

Table 9: Most Common Causes of Action

Title IX		Lack of Due Process		Breach of Contract		Negligence	
Alleged	Upheld	Alleged	Upheld	Alleged	Upheld	Alleged	Upheld
13	7	11	8	13	8	9	3

Among the most common causes of action, an allegation of lack of due process was successful in eight out of 11 cases (73%), followed by breach of contract (62%), Title IX violation (54%), and negligence (33%).

RELIEF REQUESTED

The 30 lawsuits requested a broad range of types of relief, which can be organized into four categories:

1. Declaratory/Injunctive Relief
2. Requests for School Action
3. Monetary Requests
4. Other Court Orders

Detailed information is found in Appendix C. Because half of the cases are still pending and cases resolved in settlements are usually confidential, the outcome in many cases is unknown.

I. Injunctive Relief

Table 10 presents the types of injunctive relief requested, and for each type of injunctive relief, whether the allegation was upheld, denied, or the outcome was unknown (The information in this table is extracted from Rows 3, 4, and 5 of Appendix C, Columns C-H):

Table 10: Types of Declaratory/Injunctive Relief Requested and Outcome

Type of Injunctive Relief	Requested	Upheld	Denied	Unknown
Declaratory Judgment	7	0	0	7
General Injunctive Relief	9	3	0	6
Preliminary Injunctive Relief	10	6	3	1
Total	26	9	3	14

Among the 26 requests for injunctive relief, nine were upheld and three denied. The outcome for the remaining 14 requests is unknown.

II. Requests for School Action

Table 11 presents the types of school action requested and their outcomes (Appendix C, Columns I-P):

Table 11: Types of School Action Requested and Outcome

Type of Request for School Action	Requested	Upheld	Denied	Unknown
Reversal of School Finding of Guilt	24	8	0	16
Reenroll and/or Issue a Valid Degree	5	1	0	4
Public Statement	1	0	0	1
Certified Letter to Student	1	0	0	1
Total	31	9	0	22

Among the 31 requests for school action, nine were upheld. The outcome for the remaining 22 requests are unknown. A reversal of expulsion or the school's finding of guilt was the most commonly requested type of school action.

III. Monetary Requests

A great variety of monetary requests were made, which are displayed in Table 12 (Appendix C, Columns Q-BF):

Table 12: Types of Monetary Requests and Outcome

Type of Monetary Request	Requested	Upheld	Denied	Unknown
General Monetary Request	8	0	0	8
Consequential/ Special Damages	2	0	0	2
Incidental Damages	1	0	0	1
Compensatory Damages	8	0	0	8
Damages for Physical Harm	5	0	0	5
Damages for Emotional/ Psychological Harm	6	0	0	6
Medical Expenses	1	0	0	1
Damages for Harm to Reputation	5	0	0	5
Damages for Loss of Privacy	1	0	0	1
Past and Future Economic Loss	8	0	0	8
Loss of Educational/ Athletic/Professional/Music Opportunities	5	0	0	5
Loss of Future Career Prospects	3	0	0	3
Punitive Damages	9	0	0	9
Sanctions	1	0	1	0
Exemplary Damages	1	0	0	1
Section 1988	3	0	0	3
Interest	11	0	0	11
Court Costs	13	0	0	13
Attorney Costs	17	0	0	17

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Expert Witness Fees	2	0	0	2
Just and Proper³⁵	18	1	0	17
Total	128	1	1	126

Among the 128 monetary requests, only one was upheld and one was denied. The outcome for the remaining 126 requests is unknown.

IV. Other Court Orders

Table 13 presents the other types of court orders requested and their outcomes (Appendix C, Columns BG-BT)

Table 13: Other Court Orders

Type of Other Court Order	Requested	Upheld	Denied	Unknown
Mandatory Injunction	5	1	0	4
Expedited Discovery	1	0	1	0
Disqualify Counsel	1	0	0	1
Writ of Mandamus	3	2	0	1
Reverse Arbitration Decision	1	0	1	0
Stay of ALJ Decision	1	1	0	0
Arbitrary and Capricious Determination	1	1	0	0
Total	13	5	2	6

Among the 13 requests for other court orders, five were upheld and two denied. The outcome for the remaining six requests is unknown.

Summary

Among the 30 lawsuits, a total of 198 types of relief were requested. Table 14 presents the three most commonly requested types of relief requested:

³⁵ Requesting relief that the judge finds “just and proper” may not only be a request for monetary damages. For the one case in which “just and proper” relief was upheld, *John Doe v. University of Southern California* (Case No. 26), the court upheld monetary relief of court costs.

Table 14: Most Common Types of Relief Requested

Reversal of Expulsion/Overturn School's Finding of Guilt		Just and Proper		Attorneys Fees	
Requested	Upheld	Requested	Upheld	Requested	Upheld
24	8	18	1	17	0

For all three most common types of relief requested, the number of cases in which the outcome was unknown far outweighs the number in which the relief was upheld or denied.

EMERGING JUDICIAL PERSPECTIVES

A review of the decisions yields a fascinating array of judicial perspectives on this rapidly evolving area of the law. These findings can be classified as General Considerations, Interpretation of Pertinent Laws, and Deficient University Procedures.

General Considerations:

1. **Liberty and Property Interests:** In two cases, judges asserted the fundamental liberty and property interests at stake:
 - In *Lewis McLeod v. Duke University* (Case No. 8), the judge explicated the relevance of constitutional liberty interests to campus adjudications. The judge highlighted *Wisconsin v. Constantineau*,³⁶ a Supreme Court case that states a liberty interest is implicated “[w]here a person’s good name, reputation, honor, or integrity is at stake because of what the government is doing to him” (page 10).
 - In *Doe v. George Mason University* (Case No. 9) the District Court granted the student's summary judgment motion on his claim that the university had deprived him of a protected liberty interest in his education by expelling him without procedural due process.

2. **Basic Fairness:** Two of the decisions commented on the fundamental lack of fairness to the accused student, citing *Cloud v. Trustees of Boston University*³⁷ as a landmark judicial precedent in clarifying that school disciplinary hearings must be “conducted with basic fairness”:
 - Judge Dennis Saylor noted in his *Brandeis* ruling (Case No. 3), “The goal of reducing sexual assault, and providing appropriate discipline for offenders, is certainly laudable. Whether the elimination of basic procedural protections—and the substantially increased risk that innocent students will be punished—is a fair price to achieve that goal is another question altogether”³⁸ (page 11).

³⁶ 400 U.S. 433, 437 (1971).

³⁷ *Cloud v. Trustees of Boston Univ.*, 720 F.2d 721, 725 (1st Cir. 1983).

³⁸ *John Doe v. Brandeis University*, Memorandum and Order on Defendant’s Motion to Dismiss, C.A. No. 15-11557-FDS, decided March 31, 2016.

- In *John Doe v. George Mason University* (Case No. 9), the judge opined in an unusually decisive ruling, “Although not dispositive here, it is worth noting that the appearance of impartiality is one of the many facets of procedural fairness. That is, even in the absence of actual bias, the appearance of bias or partiality erodes public trust in the integrity of government institutions” (Footnote 19).
3. **Consequential Effects:** Judges were not reluctant to highlight the seriousness of the allegations being handled by the university and the potentially devastating consequences to the accused student:
- In *John Doe v. Brandeis* (Case No. 3), the court affirmed, “certainly stigmatization as a sex offender can be a harsh consequence for an individual who has not been convicted of any crime, and who has not been afforded the procedural protections of criminal proceedings” (page 62).
 - The judge in *DePauw* (Case No. 7) explained that monetary damages do not provide an adequate remedy to relieve the stigma associated with an erroneous finding (page 25).
 - In *Samuel Ritter v. Oklahoma City University* (Case No. 17), the court stated, “when the penalty is as severe as that imposed in this case, with its potentially devastating consequences, the accused is entitled to more process than plaintiff was afforded” (page 5).

Interpretation of Pertinent Laws:

1. **State Law:** State law may be used to provide a contractual cause of action for plaintiffs, according to three judges:
- The *Brown* court (Case No. 4) cited Rhode Island law in concluding the handbook creates a contractual relationship between the parties (page 31).
 - In *Benjamin King v. DePauw University* (Case No. 7), the judge found Indiana law to provide a contractual agreement between student and university (page 19).
 - The judge in *Brian Harris v. Saint Joseph’s University* (Case No. 19) reached the same conclusion in regard to Pennsylvania law (pages 4-5).
2. **Applicability of Employment Law:** Three judges were inclined to evaluate the lawsuits based on reasoning from employment law. A recent Second Circuit ruling is likely to further expand the application of Title VII to future Title IX cases:³⁹
- In *Vito Prasad v. Cornell University* (Case No. 6), the judge referenced employment discrimination claims in his Title IX discussion (page 27).

³⁹ On July 29, 2016, the Second Circuit issued a landmark decision regarding the relevance of the Title VII pleading framework to Title IX sexual assault cases. The plaintiff had filed a Title IX sex discrimination lawsuit after he was found responsible for violating Columbia University’s sexual gender-based misconduct policy. The District Court for the Southern District of New York upheld Columbia University’s motion to dismiss. In *John Doe v Columbia University*, the Second Circuit court vacated the District Court decision by applying the more lenient Title VII pleading requirements, holding that John Doe’s claim sufficiently alleged that Columbia’s disciplinary action against him were motivated by sex bias. *Doe v Columbia*, Docket Nos. 15-1536 (Lead), 15-1661 (XAP) (July 29, 2016). All references to the Second Circuit’s opinion in *Doe v Columbia* are to: <http://law.justia.com/cases/federal/appellate-courts/ca2/15-1536/15-1536-2016-07-29.html>.

- In *John Doe v. Jonathan Alger, et. al.* (Case No. 13), the judge cited a teacher contract case (page 16).
- In *John Doe v. University of Southern California* (Case No. 26), the judge stated, “there are few cases defining fair hearing standards for student discipline at private universities” and that “cases involving procedural due process requirements under similar circumstances, however, may be instructive” (page 27). The court went on to cite a California case concerning city review procedure for conditional use permits and a case about the procedure due to an orthodontist by his professional association.

3. Defamation: Universities are sometimes treated as a single legal entity, so that communication among employees cannot be considered ‘defamation’. However, the judge in *Brian Harris v. Saint Joseph’s University* (Case No. 19) considered a defamation claim of “communication to another” to be satisfied when the information about the case was shared internally within the school (page 15). This may mean that universities need not reveal information about the case to any outside actors in order for a defamation cause of action to survive.

Deficient University Procedures:

1. **Qualifications of University Adjudicators:** In *Dez Wells v. Xavier University* (Case No. 30), the judge pointed out, “Moreover, it appears to the Court that the UCB here, a body well-equipped to adjudicate questions of cheating, may have been in over its head with relation to an alleged false accusation of sexual assault. Such conclusion is strongly bolstered by the fact that the County Prosecutor allegedly investigated, found nothing, and encouraged Defendant Father Graham to drop the matter” (page 6).
2. **Complainant Terminology:** In *John Doe v. Brandeis*, Judge Saylor confirmed that using the term “victim” before a finding of guilt prevents a student’s right to a fair and impartial process. The judge stated, “Whether someone is a ‘victim’ is a conclusion to be reached at the end of a fair process, not an assumption to be made at the beginning. Each case must be decided on its own merits, according to its own facts” (page 12).
3. **Title IX – Selective Enforcement:** In two cases, judges opined on the problem of selective enforcement of Title IX provisions:
 - In *John Doe v. Brown University* (Case No. 4), Chief Judge William Smith stated: “Requiring that a male student conclusively demonstrate, at the pleading stage, with statistical evidence and/or data analysis that female students accused of sexual assault were treated differently, is both practically impossible and inconsistent with the standard used in other discrimination contexts.”⁴⁰
 - In *John Doe v. Washington and Lee University* (Case No. 29), the judge found a plausible Title IX cause of action based on the fact that the university relied upon a female-focused website article in its sexual assault training (page 17).

⁴⁰ “Due Process Legal Update, Students’ Title IX and Due Process Claims Move Forward, But Challenges Remain,” Samantha Harris, FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION, Mar. 1, 2016, <https://www.thefire.org/due-process-legal-update-students-title-ix-and-due-process-claims-move-forward-but-challenges-remain/>. See also *John Doe v. Columbia University*, Docket No. 15-1536, U.S. Court of Appeals (2nd Cir.) (2016).

4. **Investigative Procedures:** In at least two cases, judges commented on biased investigative procedures:
 - In *John Doe v. George Mason University* (Case No. 9), the judge decried the fact that “The undisputed record facts reflect that, as of the time plaintiff was allowed to present his defense before [university investigator] Ericson, Ericson admits that he had ‘prejudged the case and decided to find [plaintiff] responsible’ for sexual assault.”
 - In *Vito Prasad v. Cornell* (Case No. 6), the court enumerated a number of problems with the single investigator approach: “Plaintiff alleges a host of facts demonstrating particular evidentiary weaknesses in the case against him. These include allegations that the investigators failed to question certain witnesses about Doe’s outward signs of intoxication; accepted the victim’s account of her level of intoxication despite numerous statements to the contrary; misconstrued and misquoted witnesses’ statements; used an on-line BAC calculator and Doe’s self-reported weight and alcohol consumption to conclude that Doe was in a state of extreme intoxication; accepted Doe’s statement that she allowed Plaintiff to sleep in her bed because of her family’s ‘sailboat community values;’ drew prejudicial conclusions without sufficient evidentiary support; and cast Plaintiff’s actions in highly inflammatory terms.”⁴¹

5. **Cross-Examination:** In two cases, judges commented on flawed cross-examination procedures:
 - In *John Doe v. Brandeis* (Case No. 3), Judge Saylor stated, “Here, there were essentially no third-party witnesses to any of the events in question . . . the entire investigation thus turned on the credibility of the accuser and the accused. Under the circumstances, the lack of an opportunity for cross-examination may have had a very substantial effect on the fairness of the proceeding.” He also stated, “the ability to cross-examine is most critical when the issue is the credibility of the accuser” (page 67).
 - In *John Doe v. University of California, San Diego* (Case No. 24), Judge Joel Pressman noted, “The university unfairly limited petitioner’s right to cross-examine the primary witness against him, Ms. Roe [O]nly nine of Petitioner’s thirty-two questions were actually asked by the Panel Chair.” The judge also bemoaned the fact that the complaining student was placed behind a barrier during the proceedings (page 3): “The Court does not see the necessity of the screen between Ms. Roe and Petitioner.”

6. **Appeal Procedures:** In three cases, judges decried the lack of adequate due process protections during the university’s appeal process:
 - In *John Doe v. Jonathan Alger* (Case No. 13), Judge Elizabeth Dillon criticized the limited due process provided by the university’s appeals board—stating that the board severely limited the student’s ability to defend himself by not providing him sufficient notice of new evidence, by not providing him with details about the unnamed girl who accused him of assaulting Jane Roe, by not telling him the names of the appeal board’s members, nor giving him notice of or allowing him to attend the appeal board’s hearing. Judge Dillon also expressed concern about the appeals board overturning the decision when it had less information than the initial panel

⁴¹ “Due Process Legal Update, Students’ Title IX and Due Process Claims Move Forward, But Challenges Remain,” Samantha Harris, FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION, Mar. 1, 2016, <https://www.thefire.org/due-process-legal-update-students-title-ix-and-due-process-claims-move-forward-but-challenges-remain/>.

had: “The appeal panel gave no explanation for its decision to overturn the hearing panel, which had the benefit of both oral presentations and live testimony” (pages 25-26).

- In *Corey Mock v. University of Tennessee, Chattanooga* (Case No. 28), the judge took issue with how the UTC Chancellor, who acted as the appeal board, decided upon a punishment once the school found the student guilty—and that the Chancellor did not abide by any findings of fact or conclusions of law regarding the ‘remedy prescribed’ (page 21).
- In *John Doe v. George Mason University* (Case No. 9), the court questioned the propriety of the investigator’s dual roles: “In this respect, the mere fact that [investigator] Ericson would assign himself an appeal of a case in which he had extensive pre-hearing involvement is troubling, if not independently problematic as a constitutional matter. Cf. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 888 (2009)” (Footnote 19).

7. **Affirmative Consent:** Many universities have established affirmative consent policies that require consent be communicated between the parties on an explicit and ongoing basis for every sexual encounter, regardless of whether the parties are in a long-term relationship. Two judges commented negatively on such policies:

- In *John Doe v. Brandeis* (Case No. 3), the judge stated that “it is absurd to suggest that it makes no difference whatsoever whether the other party is a total stranger or a long-term partner in an apparently happy relationship” (page 76).
- In *University of Tennessee, Chattanooga* (Case No. 28), Judge McCoy ruled the university’s affirmative consent standard was unfair because the rule “erroneously shifted the burden of proof” to the defendant, and “requiring the accused to affirmatively provide consent... is flawed and untenable if due process is to be afforded to the accused” (page 11).

INJUSTICE FOR ALL

This Special Report represents the first detailed, quantitative review of lawsuits against universities filed by students accused of and/or suspended or expelled for sexual misconduct. Building on previous summaries,⁴² this analysis represents a mid-2016 snapshot of this rapidly evolving area of the law. The fact that plaintiffs prevailed in so many lawsuits is notable, especially in light of the fact that traditionally, judges have deferred to conduct code adjudications handled by universities.

Lawsuits by Identified Victims

While this Special Report has focused on lawsuits by accused students, it should be emphasized that numerous lawsuits have been filed by students claiming to be *victims* of sexual assault, as well. In

⁴² Alyssa Keehan, “Student Sexual Assault: Weathering the Perfect Storm,” United Educators, 2011; Alyssa Keehan, “Confronting Campus Sexual Assault: An Examination of Higher Education Claims,” United Educators, 2014; Samantha Harris, “Campus Judiciaries on Trial: An Update from the Courts, Legal Memorandum #165 on Legal Issues,” HERITAGE FOUNDATION, available at http://www.heritage.org/research/reports/2015/10/campus-judiciaries-on-trial-an-update-from-the-courts#_ftn28.

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the view of many, these students also have been poorly served by university-based adjudication systems.⁴³ For example in the *University of California – Davis* case (Case No. 23), Judge Fall criticized the university’s handling of the case because of its harmful impact on the complainant, stating, “... if anyone has failed the alleged victim in this case [it] is the University.”⁴⁴

A number of victim-advocacy organizations have expressed similar concerns:

- Day One Sexual Assault and Trauma Center: “Campus-based adjudication processes don’t work. Colleges alone are not competent to handle the investigation and prosecution of these cases, nor should they be. The college hearing process should be integrated with law enforcement.”⁴⁵
- Know Your IX: We “recognize that replicating criminal procedures and unequal evidentiary burdens on campus is not only unnecessary but dangerously counterproductive and contrary to Title IX’s commitment to equality in education.”⁴⁶
- Rape, Abuse, & Incest National Network: “We urge the federal government to explore ways to ensure that college and universities treat allegations of sexual assault as they would murder and other violent felonies.”⁴⁷
- Women’s Law Project: Our “grave concern is the capacity, the competence, and the appropriateness of colleges dealing with rape outside the criminal justice system.”⁴⁸

A review of insurance claims by self-identified sexual assault victims identified three categories of shortcomings:⁴⁹

- Title IX: Discouraging the student from pursuing a complaint, failing to conduct a timely investigation, imposition of inadequate sanctions.
- Negligence: Difficulty in applying university policies regarding the preponderance of evidence standard and consent to engage in sexual activity.
- Breach of Contract: Institutional failure to follow its own policies and procedures.

Fundamental Incompatibility

Lacking the requisite expertise, procedures, and administrative independence to make determinations that are both reliable and credible, universities have been placed in an untenable situation. As a result, universities face mounting liability risks arising from lawsuits by both identified victims and the accused. Recent events at the University of Oregon (UO) poignantly illustrate this problem.

⁴³ Diana Moskovitz, *Why Title IX Has Failed Everyone on Campus Rape*, DEADSPIN, July 7, 2016, <http://deadspin.com/why-title-ix-has-failed-everyone-on-campus-rape-1765565925>.

⁴⁴ “Press Release: Judge Issues Stinging Rebuke of UC Davis’ Handling of Title IX Sexual Misconduct Case,” WERKSMAN, JACKSON, HATHAWAY & QUINN LLP, Oct. 12, 2015, *available at* <http://boysmeneducation.com/wp-content/uploads/2015/11/Press-Release-Werksman-Jackson-Hathaway-Quinn-University-of-California-Davis-case.pdf>.

⁴⁵ <http://www.judiciary.senate.gov/imo/media/doc/12-09-14LanghammerTestimony.pdf>

⁴⁶ <http://knowyourix.org/fair-process/>

⁴⁷ <https://rainn.org/images/03-2014/WH-Task-Force-RAINN-Recommendations.pdf>

⁴⁸ <http://www.phillymag.com/articles/rape-happens-here-swarthmore-college-sexual-assaults/5/>

⁴⁹ Alyssa Keehan, “Confronting Campus Sexual Assault: An Examination of Higher Education Claims,” UNITED EDUCATORS, 2014, pages 14-17.

On March 9, 2014 a female student and three UO basketball players engaged in a group sexual encounter. The female student reported the incident to the local district attorney. After investigating the case, the DA declined to file charges, citing numerous “conflicting statements and actions” by the accuser.

The three basketball players were dismissed from the university in June 2014. The female student, “Jane Doe,” then filed a Title IX lawsuit alleging the university had improperly recruited one of the players, Brandon Austin, who had been expelled by a previous university on a sexual assault accusation, and allowed him to remain on the team after her complaint had been filed with the DA’s office. Coming in the midst of a \$2 billion fund-raising campaign, the university settled Doe’s lawsuit in August 2015 for \$800,000.⁵⁰

Two months later Austin filed a \$7.5 million lawsuit. The suit alleged the university “refused to (among other things) allow Mr. Austin to subpoena witnesses who would be supportive of his defense, refused to provide unredacted reports, refused to provide a contested case hearing, refused to allow cross-examination, and otherwise refused to provide the due process required by the United States Constitution and applicable laws.”⁵¹

Then in March 2016, the two other players, Damyean Dotson and Dominic Artis, filed a separate lawsuit seeking \$10 million each. The lawsuit accused the university of “engineering a ‘kangaroo court’ hearing with the purpose of finding that Artis and Dotson committed a sexual assault that did not in reality occur.”⁵² As of this writing, the lawsuits by the three basketball players remain unresolved.

The fact that an increasing number of lawsuits are being filed on behalf of both identified sexual assault victims and those accused of sexual assault suggests the problem does not lie with a handful of “bad apple” colleges and universities. Rather, the lawsuits cast into sharp relief the fundamental shortcomings of the current system: A woeful lack of expertise and resources, pervasive conflicts of interest, an inability to do more than expel true rapists, the inconsistency and disproportionality of sanctions, and an absence of mechanisms to impose penalties on persons who make allegations that are demonstrably false.

In short, the lawsuits point to a fundamental mismatch between the Office for Civil Rights mandates and the mission and capabilities of the academy. The existing government-imposed regime represents an elaborate system of second-class justice that is failing the accused, sexual assault victims, and institutions of higher education.

⁵⁰ http://www.oregonlive.com/education/index.ssf/2015/08/student_receives_800000_settle.html

⁵¹ http://www.oregonlive.com/ducks/index.ssf/2015/10/dismissed_basketball_player_br.html

⁵² http://www.oregonlive.com/ducks/index.ssf/2016/03/former_ducks_damyean_dotson_do.html

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