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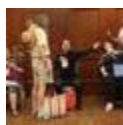
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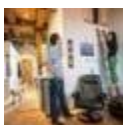
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College students fight sexual assault accusations

By **Matt Rocheleau** | GLOBE CORRESPONDENT JUNE 27, 2014



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Following a rise in reports of sexual assaults at colleges, a growing number of alleged assailants — including some at area schools — are pushing back, saying they have been falsely accused amid the heightened awareness sweeping the nation's campuses.

The suspected assailants —who have been put on probation at the schools, suspended, or expelled — are

appealing the disciplinary rulings and filing lawsuits asserting that college administrators unfairly rushed to judgment in their cases. They say the decisions have damaged their reputation, disrupted their education, and in some cases cost them thousands of dollars in lost tuition, legal expenses, and other costs.

Some accused students have also claimed campus officials violated Title IX, the very federal gender-discrimination law that many alleged victims have cited in federal complaints to argue that administrators did not take their allegations seriously or failed to mete out adequate punishment.

In one recent case at Brandeis University, a student found responsible by the school for sexually assaulting and harassing a classmate — his ex-boyfriend — has hired a lawyer and has appealed the ruling. He says he also plans to file a Title IX complaint against the school.

Accused students at Brown University, the University of Michigan, Occidental College, Xavier University, Swarthmore College, and Delaware State University are also fighting back, according to media reports and advocates following the cases.

Colby Bruno, an attorney at the Victim Rights Law Center in Boston, pointed out that studies show false allegations of sexual assault are rare; much more often, the crime goes unreported.

“There’s always a swing of the pendulum,” Bruno said. “Right now, for the first time in history, victims are being recognized as victims and not liars and of course that’s going to come with a certain amount of backlash.”

Specialists say the rise in disputed cases highlights the dilemma college administrators face. They often attempt to handle assault allegations internally — via the college’s disciplinary system — but many schools find the cases remarkably difficult to investigate and solve, particularly because administrators might lack experience adjudicating such matters.

“We’re seeing more students coming forward to report that

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they were sexually assaulted, and with more reports we're going to certainly see accused students who argue that the process by which they were found responsible wasn't fair," said Alison Kiss, executive director of the Clery Center for Security on Campus, a nonprofit that trains college officials about Title IX and related rules.

Rape cases — on or off college campuses — often involve unclear memories, frequently are between friends or romantic partners, and might not involve reliable witnesses or evidence, specialists say. No matter the school's ruling, an appeal is likely. Further legal action, such as lawsuits and Title IX complaints, can also be taken against a school.

Accused students often expect to be held to the criminal standard of evidence, that it was "beyond a reasonable doubt" that they had committed a crime. However, the US Education Department actually advises colleges to use a lower standard of proof, a "preponderance of the evidence" in adjudicating the cases administratively.

Bruno, of the Victim Rights Law Center, which represents individuals who say they have been sexually assaulted, said that when accused students vocally challenge the allegations, it can cause victims to refrain from reporting crimes.

"Still, I don't think victims have to be concerned that this is something that happens in every case, because it doesn't," Bruno said. "Anybody can file a lawsuit for any reason on any day, but that doesn't mean that lawsuit will be successful."

At Brown, a male student who was recently suspended for a year over accusations he raped a female student has come forward publicly to say he believed the sex was consensual and rebutted details of the case, including allegations that he attempted to strangle the alleged victim. He wrote the US Department of Education to dispute the accusations.

A student at Columbia University who was suspended over allegations of sexual assault filed a federal

lawsuit against the school last month, saying administrators rushed to an unfair judgment and violated Title IX by allegedly discriminating against him because he is a male.

In the Brandeis case, administrators hired an outside attorney to act as a “special investigator.” In April, following a four-month investigation, the attorney found that the accused student was responsible for non-consensual sexual activity, sexual harassment, and privacy invasion, according to documents obtained by the Globe.

The university sanctioned the student last month with a disciplinary warning and ordered him to meet with a sexual assault specialist.

The accuser, who has not filed criminal charges, has called for administrators to issue a sharper punishment, ideally expulsion. He said he is considering filing a Title IX complaint against the school because, he said, administrators downplayed some of his concerns, were not sufficiently transparent about the process, and discriminated against him because he is a man and gay.

“There are parts of me that wish I didn’t go through this process because I feel like I’ve gone through a lot of re-victimization and re-traumatization,” the accuser said in an interview. “But I also feel like it’s something that needs to be talked about.”

Meanwhile, the accused student has denied the allegations, which he called “ridiculous,” saying he and his ex-boyfriend had a typical romantic relationship.

They shared many intimate moments but never had non-consensual sex, he said. They even maintained amicable ties for a while after it ended, he said.

The Globe generally does not identify alleged victims of sexual assaults.

Brandeis officials declined to speak about the case, citing student privacy laws.

Campus spokeswoman Ellen de Graffenreid said administrators “are committed to investigating all reported incidents in an expedient, thorough, and fair manner and to protecting the rights of all parties involved in an investigation.”

New York-based attorney Andrew T. Miltenberg, who represents accused students who have filed lawsuits against Columbia, Vassar College, and Drew University, said he believes many administrators are “caving into pressure” from on- and off-campus advocates who have called for harsher punishments in such cases.

“Sexual assault, rape, non-consensual sexual activity is absolutely a considerable issue,” Miltenberg said. “However . . . there is a presumption of guilt put upon the accused, and there is a critically flawed process by which the investigations are handled and by which the hearing panel or disciplinary panel ultimately

decides the issue on.”

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