

UO drops claim against student

The university isn't seeking legal fees from a woman who says she was raped, but it still wants her lawsuit dismissed

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The University of Oregon on Thursday dropped its recent counterclaim to a federal civil rights lawsuit filed by a student who says she was raped by three UO basketball players.

In an updated response filed in U.S. District Court in Eugene on Thursday, the university is no longer countering the victim's lawsuit and is not asking the victim, or her attorneys, to pay what the UO has spent in attorney fees and other costs related to the case.

The move follows an online petition created this week that garnered more than 2,000 signatures from students, alumni and professors, urging the UO to "stop suing rape survivors."

UO Interim President Scott Coltrane said Thursday that the UO heard from "many different people on campus, and we really wanted to get away from this distraction."

Coltrane said the UO never intended to col-

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UO: New response to civil rights lawsuit still troubles critics

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lect fees from the student, but was rather seeking money from her attorneys.

"We didn't want it to look like we had anything against the student," he said of the UO dropping the counter-suit. The UO still is asking the court to dismiss the lawsuit and to rule in favor of the university.

Coltrane said he hopes the university's move will help the community focus on the UO's recent efforts to improve sexual violence prevention on campus.

Coltrane, however, criticized the online petition that characterized the UO as having filed a lawsuit against the victim, as opposed to responding to an existing lawsuit. He said he was advised by attorneys that it's routine to counter a suit.

"Their suit would have us pay legal fees, and I was told it's typical when you respond" to also file a counterclaim, he said.

High-profile Boulder, Colo., attorney John Clune, who is representing the student, along with Eugene attorney Jennifer Middleton, said the UO's action was the first time he had seen a school make a counterclaim against a rape victim.

Clune declined further comment Thursday.

The student, referred to as Jane Doe, filed the federal lawsuit in January against the university and head basketball coach Dana Altman for allegedly violating her federal civil rights by recruiting Brandon Austin, one of the accused players, after he had previously been accused of rape at Providence College in Rhode Island.

The lawsuit argues that Altman and the UO had "actual knowledge of the substantial risk that Austin would sexually harass other female students at UO based upon his prior conduct."

Jane Doe also argues that the UO and Altman prioritized winning basketball games over her claim that she had been raped repeatedly by the now former players, Damyean Dotson, Dominic Artis and Austin.

The Lane County District Attorney declined to file charges against the players, citing lack of evidence. The players were kicked off the basketball team and banned from the university for the incident.

The UO filed its response and counterclaim to the suit on Feb. 9, claiming the alleged victim's suit is "frivolous, unreasonable and without foundation."

The UO's updated response does not describe

Jane Doe's lawsuit as "frivolous," but still contends that her attorneys "filed a lawsuit with unfounded allegations that damage a good man's (Altman's) reputation in an attempt to curry favor and gain traction in the media and create pressure for a public university to pay a hefty sum to (Jane Doe) even though it has done nothing wrong."

The university argues that Jane Doe's allegations threaten not only the UO and Altman, "but all sexual assault survivors in Oregon's campus community.

"The publication of false allegations about Oregon's handling of a report of an alleged sexual assault creates a very real risk that other survivors will wrongly be discouraged from reporting sexual assault and sexual harassment to Oregon," which conflicts with the goal of a federal civil rights law, known as Title IX, the response said.

Title IX prohibits discrimination on the basis of sex in any education program or activity. The law has been used as a basis for action in complaints against universities regarding their handling of rape cases.

UO psychology professor Jennifer Freyd said that dropping the counterclaim was a "good first step," but still was critical of the UO's response, which she argued still comes across as victim-blaming.

"If (Coltrane) doesn't want this to be a distraction, he needs to have (the response) be corrected yet again so it is not blaming the victim and playing lawyers' games because that's not fixing the problem," said Freyd, a sexual violence expert who has publicly criticized the UO for its response to Jane Doe's case and other sexual violence cases.

Freyd said the UO's claim that Jane Doe's lawsuit could prevent other victims from coming forward "has bothered me the most."

"It's extremely problematic," she said.

Freyd sent a letter to Coltrane on Thursday evening, expressing her concerns. The letter was signed by Carol Stabile, a journalism and women's and gender studies professor, and John Bonine, a law professor.

"The university cannot claim that it is devoted to survivors while at the same time saying that a survivor's use of legal remedies will chill reporting by others," the professors wrote.

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