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# The Register-Guard

EUGENE, OREGON

WEDNESDAY, MAY 7, 2014

\$1.00

## UO SEX INVESTIGATION

### Varying accounts of incident stymie case

The DA explains his decision not to charge three basketball players

By JOSEPHINE WOOLINGTON  
The Register-Guard

A female college student who said she was sexually assaulted by three University of Oregon basketball players after a party earlier this year did not appear to be forced into or unable to consent to the sexual activity, Lane County District Attorney Alex Gardner said in a lengthy statement released Tuesday afternoon.

The alleged victim's account is inconsistent with witnesses' and the players' accounts, Gardner said in explaining his decision not to bring charges against Damyan Dotson, Dominic Artis and Brandon Austin.

The victim told police that on the night of March 8, the UO players forced her to have sexual intercourse and oral sex with them at two different locations. She told police she would have been able to better articulate that she did not want to engage in any sexual activity with the players had she not been so intoxicated, according to a Eugene police report released on Monday evening. She said she "just gave up."

Dotson, 19, Artis, 19, and Austin, 18, were investigated by Eugene police after the March in-

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Such a decision "is not a statement about who we believe or don't believe. It is simply an analysis of the available evidence and its sufficiency to meet the state's burden of proof."

— ALEX GARDNER, LANE COUNTY DISTRICT ATTORNEY

### UO criticized over response to incident

By DIANE DIETZ  
The Register-Guard

A nationally known University of Oregon professor whose field of study is rape — and others on campus — are sharply critical of how the institution is handling a recent incident involving three UO men's basketball players.

The UO until late Tuesday night had disclosed little about how it reacted to news of the March 8 incident in which the three players — Damyan Dotson, Dominic Artis and Brandon Austin — were found to have had extensive sexual contact with a female college student.

A UO spokesman Tuesday night said the university first learned of the allegations from the alleged victim's father on March 9, as noted in a report released by Eugene police on Monday.

But before the NCAA basketball tournament, in which Dotson and Artis played, Eugene police told the university that if it took investigative or

Turn to **REACTION**, Page A10



An airplane drops fire retardant on a burning ridge west of Loveland, Colo. A new climate change assessment says the risk of wildfires is increasing.



The remains of a carp rest on the dry bed of O.C. Fisher Lake in San Angelo, Texas. The report says extreme weather is affecting daily lives.

## REPORT: WARMING IS TOUCHING US ALL

Climate change's effects are growing, scientists say

By SETH BORENSTEIN  
The Associated Press

WASHINGTON — Most Americans already are feeling man-made global warming, from heat waves to wild storms to longer allergy seasons. And it is likely to get worse and more expensive, says a new federal report that is heating up a political debate along with the

temperature. Shortly after the report came out Tuesday, President Obama spoke to several television weather reporters to make his point about the bad weather news and a need for action to curb carbon pollution before it is too late.

"We want to emphasize to the public, this is not some distant problem of the future. This is a problem that is affecting Ameri-

cans right now," Obama told "Today" show weathercaster Al Roker. "Whether it means increased flooding, greater vulnerability to drought, more severe wildfires — all these things are having an impact on Americans as we speak."

Climate change's assorted harms "are expected to become

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Pine trees are damaged by bark beetles in the North Cascades, Wash. The beetles are harming high-elevation trees once thought mostly safe from bugs.



Floodwaters surround homes in Minot, N.D. A report says warming is turning America the beautiful into America the stormy, sneezy and dangerous.

### Girl describes kidnapping; 276 missing

By MICHELLE FAUL  
The Associated Press

LAGOS, Nigeria — The girls in the school dorm heard the sound of gunshots from a nearby town. So when armed men in uniforms burst in and promised to rescue them, at first they were relieved. "Don't worry, we're soldiers," one 16-year-old girl recalls them saying.

Nigeria's president accepts an offer of help from the U.S. in finding the students

"Nothing is going to happen to you." The gunmen commanded the hundreds of students at the Chibok Government Girls Secondary School to gather outside. The men went into a storeroom and removed all the food.

Then they set fire to the room. "They ... started shouting, 'Allahu Akhbar' (God is great)," the 16-year-old student said. "And we knew."

What they knew was chilling: The men were not government soldiers at all. They were members of the ruthless Islamic extremist group called Boko Haram. They kidnapped the en-

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### IN THE NEWS

#### NATION

House Republicans are expected to press the battle for a business tax break that's likely to cost the government \$155 billion/A3

#### WORLD

Russia takes another step toward limiting its once freewheeling Internet, requiring popular online voices to register with the state/A9

#### CITY/REGION

Closing arguments and maybe a verdict are due today in the trial of David Ray Taylor, who is accused of murdering Celestino Gutierrez/B1

#### COMING UP >>

The portraits of Irene Hardwicke Olivieri pierce the veil by looking beyond the faces and into the artist's personal world/Thursday in Arts



#### QUOTABLE

"It's awkward because he spent a large amount of money to go with someone he doesn't talk to."  
— A Newport Beach, Calif., high school student, describing a system of selecting prom dates in an NFL-style draft/A3

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THE REGISTER-GUARD • WEDNESDAY, MAY 7, 2014

# Players: Case could be prosecuted if more evidence emerges

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incident on a suspicion of first-degree rape. Police forwarded their investigation to Gardner, who decided in mid-April not to charge the players with any crime.

The victim's claims notwithstanding, Gardner said there is no evidence to suggest that she was intoxicated before the first two sexual encounters at a home on the 1200 block of East 22nd Avenue. He said the victim recalled extensive details about the evening, which suggests that her perception and memory were not impaired by alcohol consumption.

Friends and others at the party described the alleged victim as friendly and flirtatious, both before and after the alleged sexual assaults, Gardner said. All witnesses interviewed said the victim could have left the party or asked for help after the alleged assaults, but did not, he said.

A so-called "no-file" decision is made by his office when it's determined that there's insufficient evidence to prove the allega-

tions beyond a reasonable doubt, Gardner said.

Such a decision "is not a statement about who we believe or don't believe," Gardner said. "It is simply an analysis of the available evidence and its sufficiency to meet the state's burden of proof." All three players are currently not participating in any basketball team activities, the UO announced Monday. The university and its athletic department did not elaborate on Tuesday.

Gardner said his office reviewed several police interviews with the victim; interviews with the victim's friends; security taped telephone conversations between the victim and the players; and police interviews with the players and other witnesses.

Among a list of reasons why he declined to prosecute the case, Gardner noted that the players claimed that the sexual activity was consensual, both in police interviews and

in secretly recorded telephone conversations with the victim.

The victim also said she only wanted to have sex with one of the players, "not ruin their lives," Gardner said. Gardner also noted that the alleged victim reportedly returned to isolated locations with her alleged assailants; and that she had consensual sex with one of the suspects the morning after the alleged assaults, and with another basketball player later that day.

Gardner said none of those circumstances are individually inexplicable, "but collectively, and in the absence of additional evidence, they provide an insurmountable barrier to prosecution."

First-degree rape is a Measure 11 crime that carries a mandatory minimum sentence of more than eight years in prison upon conviction.

Austin's lawyer, Laura Fine Moro of Eugene, did not return a phone message seeking comment on Monday or Tuesday.

The Providence Police

Department in Rhode Island recently investigated an alleged sexual assault when he attended Providence College. UO Vice President for Student Affairs Robin Holmes and Athletic Director Rob Mullens issued a brief statement Tuesday afternoon.

"Questions have arisen regarding the timeliness of the university's involvement in the matter reported about University of Oregon basketball," the statement said. "Law enforcement is the better request that the university wait to take action in order to avoid interference with an open criminal investigation. We responded accordingly in this situation."

Under federal guidelines, a school should not wait for a criminal investigation to be completed or charges to be filed before starting its own investigation.

Mullens declined further comment to The Register-Guard on Tuesday. UO athletic department spokesman Craig Pintens said head basketball coach Dana Alt-

man was attending Pac-12 meetings in Phoenix, Ariz., on Tuesday and unavailable for comment.

When asked whether any student conduct code complaints have been filed against the players, UO spokeswoman Julie Brown said she "cannot comment about conduct situations for individual students."

The UO Office of Student Conduct and Community Standards and the Office of Affirmative Action and Equal Opportunity investigate reported incidents of sexual violence, Brown said.

Under federal Title IX civil rights law, schools that receive federal funding must respond to all complaints of sexual violence involving students alleged to have occurred either on or off campus.

In the Eugene police report released Monday, the victim told police that on the night of March 8 she went to a basketball player's house, where Dotson and Austin allegedly took her to a bathroom and forced her to have sex with them. The victim alleged that all three accused

players then took her to an apartment and continued to take turns forcing her to engage in unwanted sexual activity, the report said. The players allegedly stopped only when the victim began to cry.

In a transcript of a taped telephone conversation between Artis and the victim, Artis said he was confused about her account of the situation. He said he did not remember her saying "no."

Artis said he "regretted the situation, and could understand why she felt like she was taken advantage of, given what she remembered of the situation," the report said.

In a different transcribed phone conversation, Dotson told the victim he was sorry. He said what he did was inappropriate and he would never do it again. He also "mentioned he would not want anyone to do that to his mom or sister."

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# Reaction: UO waited to act until after police investigation

Continued from Page A1

administrative action, it would jeopardize the integrity of the criminal investigation and, therefore, requested that the university not take any immediate action, said Tobin Klinger, senior director of public affairs communications, in a statement.

"The university received the police report on April 24, after the criminal investigation was complete and the (Lane County) district attorney declined to prosecute," Klinger said. "Due to federal privacy laws, the university cannot provide further details regarding its actions at this time."

Eugene police spokeswoman Melinda McLaughlin said later Tuesday evening that police notified the university that it had completed its criminal investigation on April 8 — more than two weeks before Klinger said the university received the police department's report on April 24.

McLaughlin said police were not concerned about who participated in the NCAA basketball tournament as it conducted its investigation.

The university, to date, hasn't released any information about when or if the players will be investigated under the university's student conduct code, or what the university is doing for the unnamed female who is at the center of the incident.

The UO administration needs to "be super-accountable," said UO psychology professor Jennifer Freyd. "Apologize profusely for the harm and say openly that we have a problem that we need to address together, and not give platitudes

## RALLY AGAINST VIOLENCE

**Who:** The UO Coalition to End Sexual Violence  
**What:** A rally against sexual violence  
**When:** Noon Thursday on the lawn behind Hendricks Hall on the UO campus  
**More information:** uocoalition.wordpress.com

and not claim everything's OK. To me, that adds injury. That's part of the betrayal."

Just last week, the Obama administration announced a major crackdown on how colleges and universities handle sexual assault allegations, and released a list of 55 institutions nationally that it said is under review.

"We're proud that we are not on that list of 55," UO spokeswoman Rita Kadositz told a Eugene television station at the time.

Freyd, who was in Washington, D.C., last week for the White House announcement, is a member of the UO Coalition to End Sexual Violence. The coalition, made up of dozens of professors and graduate students, formed last year out of concern about how the university is responding to reports of rape. The coalition announced Tuesday that it plans to stage a campus rally against sexual violence on Thursday.

In an open letter released Tuesday, the coalition said it is "beyond frustrated" that the university has failed to prevent such acts of violence. They say they get reports of many such incidents that don't involve high-

profile students.

The actions of the UO athletic department and administration give the impression that winning basketball games is more important than protecting students, the coalition's letter asserts.

"The timing of this all raises very deep concerns about who knew what when," Freyd said. "And if things were not known, why not?"

As acknowledged by the university on Tuesday, two of the basketball players participated in the NCAA tournament even after university officials were made aware of the alleged sexual assault.

"They knew they were being investigated for a terrible crime? And they didn't suspend them from the team?" asked UO law professor Caroline Forell, a member of the coalition.

The Ducks picked up Austin this school year — after he was suspended indefinitely from Providence College in Rhode Island after he and a teammate there were accused of sexual assault.

Freyd said that's a serious concern "because what we know from research is that we have a terrific problem with serial perpetration on college campuses. This was really an example of institutional betrayal — conveying 'It's no big deal; increasing the probability of an unsafe environment here,'" she said.

In a series of statements released earlier in the day Tuesday, university officials said they take allegations of sexual assault very seriously, but also are concerned by some of the coalition's assertions.

UO Athletic Director Rob Mullens' statement: "The athletic department

has taken a proactive approach in educating our student-athletes on sexual responsibility by having law enforcement, outside experts and university athletic department personnel work with our student-athletes throughout the year. For anyone to suggest that our athletic programs in any way condone, tolerate or have a 'subculture' regarding sexual assault is not only wrong, but irresponsible."

UO President Michael Gottfredson, in a campus-wide email, said he is "deeply troubled by the information contained in the police report. ... The university has rigorous internal conduct processes that we follow when we receive a report such as this, as well as legal processes and a moral commitment to our students."

UO President Michael Gottfredson, in a campus-wide email, said he is "deeply troubled by the information contained in the police report. ... The university has rigorous internal conduct processes that we follow when we receive a report such as this, as well as legal processes and a moral commitment to our students."

The assertions are also perpetuating the notion that the UO is not a safe place to receive help, which could be potentially silencing to survivors," Holmes said.

Carol Stabile, a coalition member and director of the university's Women's and Gender Studies department, said the university's insistence on silence is hurtful. "The silence is about making it something that's shameful and that's allegations of sexual assault that's your fault," Stabile said. "It really encourages people to blame themselves for situations that are not of their own making."

"How could anyone think that what they were doing to her was OK?" Stabile said.

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