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# The Register-Guard

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**SEXUAL VIOLENCE PREVENTION**

## Is UO doing enough?



Students and staff protest against sexual abuse on the steps of Johnson Hall on the University of Oregon campus earlier this month. The protest came after three basketball players were not charged following a sexual assault investigation.

### Recent rape allegations expose long-simmering campus issue

By JOSEPHINE WOOLINGTON  
The Register-Guard

All eyes are on the University of Oregon. The unwelcome spotlight in the last three weeks has been a long time coming for many on campus who say they have raised concerns for nearly a decade over how the university handles reports of sexual violence.

After a rape investigation involving three UO basketball players became public earlier this month, professors, students and women's rights advocates have questioned and protested how the UO handled the case.

Many criticized UO officials for letting the three players — Danyean Dotson, Dominic Artis and Brandon Austin — participate in the NCAA basketball tournament following the alleged sexual assault against an 18-year-old student. Others have accused the university of favoring the reputation of its nationally known athletic program over sexual assault victims, speculating that UO officials didn't tell the campus community about the incident because it might harm donor support.

Now, students and professors are demanding the UO do more to prevent sexual violence and to hold perpetrators accountable.

"We have an issue on our campus that is not limited to these recent events," student government leader Amy Jones told a packed room last week during a campus forum on the sexual violence. "We are living in a rape culture at the University of Oregon that will not be solved overnight."

University President Michael Gottfredson called speculations that the university inappropriately handled the recent sexual assault allegation as "patently false" and "very, very inappropriate."



Carol Stable, director of the university's Center for the Study of Women in Society, addresses a rally protesting the university's response to reports of sexual assault.

#### SEXUAL ASSAULT ON CAMPUS

- ◆ Research shows that 1 in 5 women will be sexually assaulted during their time in college.
- ◆ In a 2012 American College Health Association annual report that surveyed UO students, 16 percent of women said that in the last year they were either stalked or experienced unwanted sexual activity, which includes sexual touching and intercourse without consent.
- ◆ In the same report, only 10.7 percent of female students reported that they felt "very safe" on campus at night, while 42 percent of men did. Just 4.5 percent of female students said they felt "very safe" at night off campus.

Source: National Institute of Justice



Michael Gottfredson

prevention efforts. "We have an opportunity — I would say a responsibility — to become a leader in the nation in creating a campus that is safe from sexual violence and harassment," Gottfredson said in a statement to the UO Senate earlier this month.

Several UO officials believe the university has already become a leader in the state — and even the nation — in efforts to prevent sexual violence.

It's a different picture, though, for some outside the administrative offices in Johnson Hall.

Carol Stable, director of the UO's Center for the Study of Women in Society, described in an email to Gottfredson in December 2012 a number of students who told her that the UO poorly handled their reports of sexual harassment and sexual

At the same time, UO officials say they want to draw on the momentum from the last several weeks to continue years' worth of work on sexual violence

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**"We have an issue on our campus that is not limited to these recent events."**

— AMY JONES, UO STUDENT GOVERNMENT LEADER

### California rampage leaves 7 dead

The suspect in the attacks near the UC Santa Barbara campus left video threats

By ADOLFO FLORES, KATE MATHER AND SCOTT GOLD  
Los Angeles Times

ISLA VISTA, Calif. — At first, when it began, it was lost to the soundtrack of another Friday night in this bluff-top college town: screeching tires and what sounded like fireworks. But then — shattered glass. Sirens. Screams. Within 10 minutes, it was done — seven dead, 13 wounded, a tortured young man slumped at the wheel of a shattered BMW, a gunshot wound to his head, three semi-automatic handguns and more than 400 rounds of ammunition at his side.

Behind him, there were 10 distinct crime scenes in a single square mile — skateboarders and bikers run down and tossed into the air; bullets hurtling through the windows of shops; police officers tackling pedestrians and hauling them indoors to protect them; two young women dying on the lawn of a sorority.

For months, Elliot Rodger,

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#### INSIDE

◆ Videos paint a disturbing picture of the suspect/A4

### Court's last word on law isn't

By ADAM LIPTAK  
The New York Times

WASHINGTON — The Supreme Court has been quietly revisiting its decisions years after they were issued, altering the law of the land without public notice. The revisions include "truly substantive changes in factual statements and legal reasoning," said Richard Lazarus, a law professor at Harvard and the author of a new study examining the phenomenon.

The court can act quickly, as when Justice Antonin Scalia last month corrected an embarrassing error in a dissent in a case involving the Environmental Protection Agency. But most changes are

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# Safety: Advocates seek comprehensive prevention effort

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assault. "I have enough experience at a variety of institutions to recognize a pattern that suggests deep and serious procedural problems — problems that if not addressed will almost certainly erupt at some point," Stabile wrote.

### A nationwide issue

How universities handle and attempt to prevent sexual violence has been a topic of national debate for years.

Research shows that one in five women will be sexually assaulted during their time in college. Most of those crimes will be committed by a small group of male perpetrators who know their victims, the research shows.

Earlier this year, the Obama administration established the White House Task Force to Protect Students From Sexual Assault to strengthen federal enforcement efforts and provide schools with more tools to help combat sexual assault on campus. The administration released a list of 55 institutions nationally that are under federal review for how sexual assault allegations are handled. The UO was not among the 55.

In a 2012 American College Health Association annual report that surveyed UO students, 16 percent of surveyed women said that in the last year they were either stalked or experienced unwanted sexual activity, which includes sexual touching and intercourse without consent.

In the same report, only 10.7 percent of female students reported that they felt "very safe" on campus at night, while 42 percent of men did. Just 4.5 percent of female students said they felt "very safe" at night off campus.

Most victims of sexual violence don't report the crimes, research shows. They may feel ashamed, intimidated or embarrassed to recount what happened to them to police officers, attorneys or administrators.

"The incident at the UO involving the basketball players 'isn't a wake-up call for many of us,'" said Krista Chronister, a UO associate professor of counseling psychology. Chronister,

who has researched domestic violence for 15 years, cited studies that found that alcohol and substance use spikes among people between the ages of 16 and 24. Reported cases of intimate partner violence and sexual assault also spike for people between age 16 and 24, she said.

"You put all those risks on a college campus, and here we are," Chronister said.

The UO has a student code of conduct that defines unwanted sexual contact; a mechanism for students to report incidents; and a system for adjudicating and punishing violators, up to and including expulsion, although that happens very rarely.

But the system has weaknesses, including the degree to which it governs student conduct off campus. The alleged assault by the basketball players occurred off campus, and the Lane County District Attorney's Office declined to prosecute, saying there was insufficient evidence to prove guilt under Oregon law. The three players all said the repeated sexual contact with the female student was consensual. The woman said she repeatedly tried to stop the contact.

### UO to review policies

Within days after the alleged sexual assaults involving the three basketball players became public, Coffey announced the creation of an independent panel that will evaluate the university's changes for preventing and responding to sexual misconduct. The UO Senate is working to create a task force to evaluate the university's response to recent incidents of sexual violence. And several professors and students have proposed changes to the UO's student conduct code, which they contend favors the accused.

The UO Coalition to End Sexual Violence, a group made up of dozens of professors and graduate students — made a list of five specific demands to UO administrators that include surveying students about their experiences with rape to apologizing publicly "for lying about the university's failure to act on a reported sexual assault." Administrators have yet to

publicly address the demands but Vice President for Student Affairs Robin Holmes said in an interview that UO officials support the coalition's demand to require students to take a class about gender sexuality and social inequality in the United States.

Many students at a campus forum last week spoke in favor of that requirement.

Student Jeremy Hedlund said that when he came to college, he had an "unhealthy mindset" of sexuality and dating. If it hadn't been for some friends, professors and women's and gender studies classes, he said he would still think in the manner of a perpetrator.

"We are doing young men a disservice if we do not offer them the tools to leave behind that mindset and move forward," Hedlund said.

UO psychology professor Jennifer Freyd — a nationally known expert in sexual assault trauma — said requiring students to take a class would end the "emotionally and intellectually" in learning about sexual violence.

In the last year, the UO has required employees to take mandatory online sexual harassment prevention training. All freshman or transfer students under the age of 21 must also take an online sexual violence training.

Freyd, however, said she has studied online training programs and found them to be largely ineffective.

"You cannot force feed this information to people," she said.

### Schools subject to federal rules

The UO began reevaluating its sexual violence prevention policies in 2011, in part because of pressure from student groups, professors and newly released federal guidelines to make sure schools comply with Title IX, a federal civil rights law that prohibits sex discrimination in all school activities that receive federal funding.

Sex discrimination includes sexual violence, defined as any form of unwanted sexual touching, including rape, sexual assault, harassment and stalking. The law requires universities — among other institutions — to take proactive efforts to prevent sexual violence. The U.S. Department of Ed-

ucation's Office of Civil Rights outlined in April 2011 ways that schools and universities can minimize sexual violence. The agency suggested revamping decades-old laws that require universities to adequately train employees to know that they are required to report to the university any case of sexual violence that they are aware of. Universities also must inform students about the reporting process.

The UO worked to create a more integrated system, so students could report cases of sexual assault to any academic department and know the resources available to them immediately, said Sheryl Eyster, UO associate dean of students. "We spent a lot of time to strengthen that," she said.

The university has spent about \$370,000 since 2011 on sexual violence and prevention efforts. These general fund dollars have paid for, among other things, three new employees to work in sexual violence prevention and response; a peer education program, Sexual Wellness Advocacy Team, or SWAT; and a theater production about sexual violence that UO freshman and transfer students are required to watch. The UO also has organized bystander intervention programs, invited guest speakers to campus and created videos about healthy sexual relationships.

Eyster said the university plans to hire two more sexual violence specialists and an investigator who will work within the UO's Office of Affirmative Action and Equal Opportunity, which is required to investigate all reported cases of sexual assault.

"We do this work every day," Eyster said of sexual violence prevention. Before 2011, the UO had few proactive sexual violence educational programs, but had multiple websites and brochures that contained information about how the university responds to reports of sexual violence.

Having information available and hiring more staff members, however, doesn't do much good for students who don't know which resources exist, UO law professor Cheyney Ryan said. "They could have a thou-

sand people (working in sexual violence prevention) and it wouldn't make any difference because no one would know they were there," Ryan said.

Ryan, who has voiced concerns about the UO's compliance with Title IX since 2005, worked as a consultant in resolving a federal case against Yale University in 2011 for failing to comply with Title IX. Yale created one administrative department that handles cases of sexual violence. Yale also created a Sexual Harassment and Assault Response and Education Center with counselors on-call 24 hours a day.

The UO installed a crisis hotline (541-346-SAFE) for students last month, spokeswoman Rita Radostoff said.

Ryan has suggested that UO administrators require professors to include information about sexual harassment and assault on their syllabi. He also said sending frequent emails to all students, faculty and staff about sexual violence would be a quick fix.

### Outlook for change is uncertain

Freyd said she's received multiple emails from community members, thanking her for speaking out. She said she's hopeful that things can change, as long as students, professors and others continue to work to fix problems regarding sexual violence.

Stabile, at the Center for the Study of Women in Society, wishes she was more optimistic. She questions how the university will be able to move forward if administrators don't publicly admit that the school has a problem with sexual violence response and prevention.

Stabile said changing campus culture around sexual violence will be difficult. Other institutions — such as the Catholic Church and U.S. military — have struggled for years with sexual assault cases, she said.

"I still believe the universe bends in the direction of justice," Stabile said, "but it's hard to hold on to that belief some days."

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# Changes: 'They're basically rewriting the law,' professor says

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neither prompt nor publicized, and the court's secretive editing process has led judges and law professors astray, causing them to rely on passages that were later scrubbed from the official record. The widening public access to online versions of the court's decisions, some of which do not reflect the final wording, has made the longstanding problem more pronounced.

Unannounced changes have not reversed decisions outright, but they have withdrawn conclusions on significant points of law. They have also retreated from descriptions of common ground with other justices, as Justice Sandra Day O'Connor did in a major gay rights case.

The larger point, said Jeffrey Fisher, a law professor at Stanford, is that Supreme Court decisions

are parsed by judges and scholars with exceptional care. "In Supreme Court opinions, every word matters," he said. "When they're changing the wording of opinions, they're basically rewriting the law."

Supreme Court opinions are often produced under intense time pressure because of the court's self-imposed deadline, which generally calls for the announcement of decisions in all cases argued during the term before the justices leave for their summer break.

The court does warn readers that early versions of its decisions, available at the courthouse and on the court's website, are works in progress. A small-print notice says that "this opinion is subject to formal revision before publication," and it asks readers to notify the court of "any typographical or other formal errors."

But aside from announcing the abstract proposition that revisions are possible, the court almost never notes when a change has been made, much less specifies what it was.

Four legal publishers are granted access to "change pages" that show all revisions. Those documents are not made public, and the court refused to provide copies to The New York Times.

The only way the public can identify most changes is by painstaking comparison of early versions of decisions to ones published years later.

The final and authoritative versions of decisions, and some published five years after they were announced, do not, moreover, always fully supplant the original ones. Otherwise reliable internet resources and even the court's own website at times post older versions.

But there have been recent exceptions. Last month, Scalia made a mistake in a dissent in a case involving the EPA. Under the heading "Plus Ça Change: EPA's Continuing Quest for Cost-Benefit Authority," he criticized the agency for seeking such authority in a 2001 case.

But he got its position backward. Worse, he was the author of the majority opinion in the 2001 decision.

Law professors pointed out the mistake, and Scalia quickly altered his opinion, revising the text and substituting a bland heading: "Our precedent." In revisions to two 2009 opinions, on school searches and race-conscious hiring, Justice Ruth Bader Ginsburg added phrases to clarify and

broaden the points she had made. The changes appear in Lexis, but the court's website still features the original versions.

The court also corrects factual errors, including in recent years, ones about who was president in 1799, which senator made a particular statement and whether a defendant was convicted or merely indicted.

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