

TITLE IX's *OTHER* VICTIMS

FACE was founded by families of students who have been accused of sexual assault on campus based on unsubstantiated allegations and despite the presence of other reliable evidence undermining the truth of the accusations.

FACE's website¹ maintains a list of attorneys experienced in campus sexual assault adjudications, and provides advice on how families can extricate their sons from this unimaginable nightmare and education on the issue of campuses sexual assault disciplinary proceedings. FACE connects with and provides emotional support to affected families through our website and biannual meetings.

As of June 2015, at least seven-three students claiming to have been falsely accused or found guilty of sexual assault on their campuses have filed lawsuits against their colleges, administrators and/or their accusers.² These lawsuits claim violations of due process as well as gender bias under Title IX. The plaintiffs tell uncannily similar stories of accusations of sexual misconduct, which frequently involved one-night hook ups or angry former girlfriends, and were made months or sometimes years after the alleged assault.

Falsely accused students suffer emotional trauma similar to that of rape victims,³ and yet receive no emotional support from their colleges. A falsely accused young man described his emotions in comparison to that of a female friend who had been raped:

One important difference, though, is that when she was violated, she received a great deal of help (medical, legal, psychological). Apart from family and friends, I was on my own. My legal and psychological problems had to be dealt with by me at a time when I couldn't eat, sleep, or think (except, of course, about killing myself).⁴

One of FACE's primary stumbling blocks in advocating for the rights of falsely accused students is our inability to publicize the many accounts of families who have shared their stories with us. Nearly one-hundred-fifty similarly situated families have contacted FACE since our website was created in July 2014. Although we know there are at least seven-three lawsuits filed by students against their colleges and universities, we also know there are more lawsuits of which we are unaware, pending in state courts across the country.

There also are many, many more unjustly accused students who have resolved their disputes without legal action or are constrained by college-imposed confidentiality policies, and those whose claims have been settled are almost always bound by confidentiality clauses in their settlement agreements. And of course there are those whose futures have been devastated because they did not have the knowledge or resources to challenge the findings, and their college or university refused to acknowledge they were innocent.

Finally, in this Google-savvy world, accused students understandably are fearful disclosure; sexual violence accusations destroy dreams as well as reputations, career prospects and earnings potential; students expelled from one institution for sexual "violence" have little or no chance of admission to any other college, university or graduate school. Some have even been fired from their jobs and others have had difficulty securing employment.

¹ Families Advocating for Campus Equality, <http://www.facecampusequality.org>.

² Lawsuit Database, *A Voice for Male Students*, [http://www.avoicemalestudents.com/list-of-lawsuits-against-](http://www.avoicemalestudents.com/list-of-lawsuits-against-colleges-and-universities-alleging-due-process-violations-in-adjudicating-sexual-assault/)

² Lawsuit Database, *A Voice for Male Students*, <http://www.avoicemalestudents.com/list-of-lawsuits-against-colleges-and-universities-alleging-due-process-violations-in-adjudicating-sexual-assault/>.

³ Golden, Tom, "False Accusations and the denial of men's emotional pain," *A Voice for Men*, June 23, 2015, <http://www.avoicemen.com/mens-rights/false-accusations-and-the-denial-of-mens-emotional-pain-2/>.

⁴ Bazelon, Emily and Larimore, Rachael, "How Often Do Women Falsely Cry Rape?," *Slate*, October 1, 2009, http://www.slate.com/articles/news_and_politics/jurisprudence/2009/10/how_often_do_women_falsely_cry_rape.html.

STORIES FROM THE TRENCHES

In the following section are essays by students and families, as well as excerpts from articles about other unjustly accused students.

The mother of an accused student, who reached a settlement agreement with the school after two years:

First of all, I would like to tell you a little about my son so you can picture him in your mind. He's super smart, kind, conscientious, honest, and humble. In high school, he achieved the rank of Eagle Scout. Throughout the years he played a variety of sports and always enjoyed being part of a team.

He was awarded the honor of National Merit Finalist and as such had his pick of many wonderful colleges and universities with scholarships attached. Because he had dealt with episodes of mild depression, we all decided it would be best for him to pick a place in California. While in college, he got involved in a variety of activities. During his junior year he was awarded a stipend to take part in a summer research project related to his major.

In the spring semester of his junior year my son was found to be responsible for rape. He was expelled. As a result, he lost his school merit scholarship, his National Merit Scholarship, the summer research grant, his job, the work he had put into that semester. His world was ripped out from underneath him.

During the previous winter he had started dating a girl we'll call Eve. Their romance continued at a healthy pace throughout the winter. When she returned home for the winter break, they talked on the phone and sent each other lots of text messages. In scores of communication to my son she expressed to him how grateful she was for his love and kindness toward her.

In Feb., Eve decided she wanted to break up. My son admitted to us at the time that although he was sad not to have her companionship, he was relieved because the relationship had become a bit strained. She cried at the time of the breakup and was very upset. She revealed to one of her roommates that she thought of suicide. The roommate reported this to the RA who took a report that was forwarded to the appropriate campus office. Eve received assistance immediately from the Coordinator of that office. The Coordinator helped Eve write a complaint indicating that she was bothered by the memory of her first sexual encounter with my son. On that night, they had engaged in sexual activity but not intercourse. After that night, and throughout their relationship, they engaged in sexual intercourse. She told him scores of times in writing and on the phone how much she loved him and that he was the most kind, and most gentle person she had ever met.

After my son received a notice of the complaint we knew we needed to hire a lawyer. The lawyer we hired had actually worked on a previous case at the same college. In that case the student decided to withdraw and not face the tribunal. The lawyer helped us put together a response that included all of the texts as well as transcript of the phone messages my son had saved. During the hearing, the panel was advised to ignore my son's evidence.

During the hearing, my son told the panel that he remembered asking Eve for permission. She said yes to every step. She never said no. He was asked if he remembered asking if he could take her belt off. He said that he could not remember that specifically. As a result of that, he was charged with rape and expelled.

A month or so later, my son's appeal was rejected. At that time, we hired a new law firm. After almost 2 years of negotiations and over \$150,000.00 on our part we reached an agreement with the college. Examination of his file would not reveal the case. It would reveal that he had withdrawn.

As you can imagine, the claim against him coupled with the lack of due process almost sent my son over

the deep end. He dealt with feelings of shame and hopelessness. Weekly therapy sessions helped him cope through all of it. To this day, he does not feel comfortable discussing what happened.

The father of an accused student who was exonerated following a long unbalanced and incompetent process:

My son John Doe was charged by an ex-girlfriend with misconduct, and exonerated -- completely and unanimously -- by the hearing panel. The accuser was a deeply troubled young woman (drug overdoses, psychiatric hospitalizations, fantasy rape claims, etc.) who - 5 months after the fact and 3 months after their relationship ended - accused John Doe of *attempting* to go slightly farther than they'd gone before (though stopping when she asked him to), an act that she apparently did not find too horrifying as she remained in his bed for the remainder of the night and continued to sleep with him for the ensuing month; her claim was filed only after mutual friends reported that he'd found a new girlfriend. (At the hearing she conceded that he'd asked for consent and she'd granted it, and that he'd stopped immediately when she thereafter asked him to - a fact that would have been nice to know but apparently was never asked by the university's investigator.)

1) *We were confronted on a daily basis with stupidity and illogic that literally took my breath away.* For example, how can it be that when the charges (and their potential consequences) are more serious, the protections to the accused are *reduced*? We describe the experience as a combination of Kafka, Lewis Carroll and the Army-McCarthy hearings, and we are dead serious.

2) *The institution had no clue about fact-finding;* the work conducted by the young, 20-something in-house "investigator" would have been D minus work in a Junior College classroom, and the whole concept of using an inquisitorial method of fact-finding rather than advocacy-based efforts is rather arrogant in the face of 400 years of jurisprudence that shows that the former doesn't get accurate results.

3) *The complete indifference to the overall well being of the accuser.* Before he had any clue the complaint would be filed, John contacted the student counseling office about her stalking him, not out of hope of getting the young woman sanctioned but from to see that she got help, as she was only two weeks removed from a stay in a local psychiatric hospital after her third drug overdose in as many months. However, as soon as she filed her charge, his concern was dropped and they proceeded to treat the matter simply as a criminal-type complaint and apparently did not try to work through her problems.

4) *A complete disregard for the accused's emotional help,* as the student counseling office made no attempt to find some assistance notwithstanding assurances made to his parents that they would do so. It was clearly a result of a complete lack of any filtering mechanism to weed out even the most far-fetched of claims - the school made it clear that the accuser was entitled to take the matter all the way through to a hearing (and of course with the 'no mediation' rules of the OCR, they couldn't even ask her if she wanted to) even if the claims as stated did not constitute a breach of the rules.

5) *Absolute secrecy in the investigative process,* and so we had to spend thousands of dollars in investigator time to try to gain background information as we had no clue as to what the in-house guy was looking into (which, as it turns out, wasn't much, including the accuser's history of false rape charges). We also were refused information as to what kind of training either the investigators or hearing panelists received - which is of course a huge issue in that much of the training (e.g., from NCHERM) is based on the 'believe the accuser' bias that permeates the entire sexual misconduct industry.

6) *Protection of the institution's own 'reputation', with myriad rules* designed to make sure that no one (not even the hearing panelists) could look into what the investigators had done or whether their efforts were appropriate or sufficient.

7) *Inability of the accused to independently present evidence* - e.g., the statements we procured from the accuser's friends that contradicted her charges were not given directly to the hearing panel, but were "summarized" in the investigative report, which was not corrected even when we pointed out discrepancies between the statements and the summaries.

8) Similarly, even though the accuser admitted that she'd been sufficiently sober (her drinking had stopped many hours before she came to John Doe's room) to have her wits about her, the school would not take the issue of "incapacitation by intoxication" off the table, but still wouldn't let John present the report or testimony of any toxicologist. (BTW, the letter denying our request to present certain witnesses - including a toxicologist - was sent out at 11:30 p.m. the night before the hearing began.)

9) *Rampant conflicts of interest* - the two investigators had been involved in (a) the intake process (and apparently had failed to advise the accuser that, if she didn't want to see John, she could get a "stay away" order even without filing a complaint and thus may have induced her filing of it), and (b) counseling John Doe before their appointment as investigators, thus leading to the misuse of what he envisioned to be confidential communications.

10) *Sexism*. Well, you can guess that - *it's always the boy's fault*. Even though John reported to the student conduct office that the accuser had - after they'd decided to cool the sexual thing because it freaked her out - come into his room drunkenly and groped him in his sleep and demanded sex when John awoke, waited two months to advise him that **he** might have a claim against **her**.

An accused student who was exonerated but endured a very painful extended process:

I am the proud parent of college-aged students, one of which was falsely accused of sexual assault in 2012. Proven innocent of these accusations, suspicion and discrimination follow my student on campus three years later.

Despite the odds, truth prevailed and a legal process resulted in case dismissal. Sadly, the experience was nothing compared to the ordeal my student would face at the University starting in April 2013, which continues today.

For seven months, my student underwent separate school investigations-the first, ordered despite legal findings resulting in a not responsible determination. Regardless, a second investigation was held; the same determination was reached. All the while, University rules kept changing, evidence allowed for use in one investigation was disallowed in the next, and policies were rewritten in an attempt to manipulate the process to discredit my student.

My student filed harassment and false accusation complaints against the accuser and others. The University declined to investigate. Additional complaints filed with administrators, the University president, and legal office, about months long harassment and stalking by the false accuser who had declined to be investigated, and my student was in no way protected.

Destroyed by disproven false accusations, my student was adjudicated by a system based on gender discrimination without the benefit of fairness and due process. My student is still restricted by a no contact order based on these false accusations. As a result of this treatment, my student suffers from PTSD, Depression, and Anxiety, which affect both the opportunity to an education free from hostility, and physical and emotional health.

This story represents stories of countless students falsely accused of sexual assault. Federal and campus policies on sexual harassment undermine the basic tenets and core rights due all US citizens. Policy directives ignore this, and leave our students to fend for themselves against adult professionals whose

only interests are federal funding and political correctness. Our students are manipulated, harassed, and disregarded by their school communities, and the government has turned its back. Presumed guilty of accusations that damage like no others, these students are cast aside to face unjust punishments, and uncertain futures.

The time has come to dig deep, and work to get federal directives and school policies on the same page with a common goal of finding truth, rather than using the current knee jerk standard of guilt before proven innocent. Students should not be made to suffer unjustly at the hands of grossly misinformed government officials doling out federal dollars, and school administrators motivated by the bottom line. It is time to replace bias and discrimination with due process and fairness. It is time to get this right.

Written by Victor Zheng, and published in the UVA Newspaper, the Cavalier Daily:⁵

As I described in part in "[Until proven guilty](#)," an article I wrote for The Cavalier Daily last year, I had just completed the most significant project for my History and Civilization of Classical India class half an hour before lecture started. When I got to the classroom, instead of turning in my assignment and taking some time to find a good seat in lecture, I found a University police officer talking to my professor. I overheard my professor explain to him who I was, what I looked like and where I usually sat in the classroom.

I would soon discover that there was a second officer waiting for me outside my classroom as well, and they both escorted me out of Wilson Hall as students looked on in confusion. I sent a text to a friend to inform another teacher of mine that I would not be able to make it to class. I also managed to quickly send a text to my mother explaining that I was being taken by the police.

I was arrested on Oct. 3, 2013 after 3:30 p.m. in the parking lot by Wilson Hall. According to the charges, I was accused of felony abduction with intent to defile and felony rape of my ex-girlfriend sometime between March 1 and June 1, 2012 in Fairfax County. At that moment, I faced the harrowing possibility of two life sentences for a crime I did not commit. Once in jail, I received a letter from Dean of Students Allen Groves, from which I learned that, in conjunction with the criminal charges, I was also put on an interim suspension and faced charges through the University Judiciary Committee, even though the University had contact neither with the complainant — who has never been enrolled at U.Va. — nor the Fairfax County police. I also apparently had 48 hours to appeal the interim suspension upon notification of my status, which seemed impossible to do from my jail cell and especially since my bail was not guaranteed.

After being held in the local jail, I was transported in chains to a detention center in Fairfax County to be arraigned by a state judge. My attorney rebutted the presumption against release by showing that I was not a flight risk nor a danger to the community. I was subsequently released on bail on Oct. 8 after spending five nights and six days in jail. However, according to Dean Groves, I was still not allowed to return to Grounds despite the judge's determination.

As the legal case proceeded, there was no way of predicting when it would end, and I dreaded the idea of losing an entire year of school — or more — due to a false accusation. I tried to appeal my interim suspension on Nov. 12, 2013 at 1 p.m. Without a lawyer or professional representing me at the appeal — which was allowed but for me not feasible logistically — I put forth a plethora of evidence that included tens of thousands of text messages from the complainant, the fact that I passed a polygraph test, eight character references and six witnesses. I emphasized that a state judge had already evaluated my case and released me on bail deciding that I was neither a flight risk nor a danger to the community. I emphasized that at no point did the state judge determine that it was not suitable for me to continue my education.

⁵ Zheng, Victor, "Opinion, "Zheng: A false accusation off-campus; A University student's take on how to improve adjudication of sexual misconduct," *The Cavalier Daily*, March 30, 2015, <http://www.cavalierdaily.com/article/2015/03/zheng-a-false-accusation-off-campus>; Opinion, "Until Proven Guilty," *The Cavalier Daily*, April 27, 2014, <http://www.cavalierdaily.com/article/2014/04/until-proven-guilty>.

Does the University hold superior authority over a state judge who has had a chance to evaluate my case?

At my University appeal hearing, even though Dean Groves said I provided a compelling case, he, Vice President of Student Affairs Patricia Lampkin and Associate Dean of Students Susan Davis stated that no decision would be made — while Lampkin and Groves said they would wait until the preliminary hearing, Davis told me to contact her when I knew what information the prosecution would have against me, though she does not recall doing so. The discovery phase in which we could obtain evidence from the prosecution had not happened yet. Dean Groves explained that there must have been some sort of evidence brought against me, or else why would serious charges be filed? He even mentioned that false accusations are “statistically rare,” suggesting his own bias in the direction of my case despite the information I had just presented.

I called Davis two days after the appeal hearing once I found out the results of discovery and disclosed what was given to us by the prosecution. Breaking from what she had said earlier, Davis told me the administrators would defer their decision until I disclosed the results of my probable cause hearing.

At that point, innocent in the eyes of the law, how much more information did the University need in order to make a decision on my interim suspension? According to Dean Groves’ letter, I had 48 hours to appeal my suspension upon notification of my status. I was in jail for a total of five nights and six days and had no way of contacting the University from my jail cell. Even if I could have petitioned to appeal my interim suspension within that timeframe, the same questions about the prosecution’s evidence could come up. The expectations of what would have revoked my suspension were unclear. The letter never determined that I had to disclose my legal case step-by-step as it unfolded nor did it require me to procure whatever information the prosecution may be working on. The University never gave me a definite “no” or “yes” regarding the suspension and after excusing the lack of decision based on the results of discovery, the decision of the three University administrators would then rely on the results of the probable cause hearing, and their decision could have easily been further delayed into waiting for a decision by the Grand Jury, and then to the tedious trial phase. What would have made them make a decision?

On Nov. 15, 2013, in the face of the same evidence I provided at my University appeal hearing, the prosecution decided to drop the charges at my probable cause hearing, which, according to [The New York Times](#), is an incredibly rare conclusion to any criminal proceeding, considering that most cases end with some sort of plea bargain. Without objection from the prosecution, the charges were subsequently expunged from my record. The University lifted the interim suspension that had been placed on me as a result on Nov. 18, three days later, and UJC charges were dropped on Nov. 20. I am grateful that they have since agreed to reimburse my tuition, but on top of financial and personal trauma that I have sustained from the whole ordeal, my academic career was derailed. I was forced to miss weeks of classes and was not able to salvage any credits for that semester.

University disciplinary systems are horribly misunderstood, and awareness of their capabilities and limitations is important. According to [Title IX regulations on sexual assault](#), the purpose of university disciplinary systems is to provide civil rights remedies and to promote education, not criminal justice. If complainants choose to pursue their cases through the university system, they must come to terms with the fact that justice is not the ultimate goal but that they are taking what I would call a restorative approach to process their complaint. Title IX is intended to prevent the abridgment of a student’s fundamental right to an education but Title IX is not meant to be a secondary iteration of our judicial system.

Recently, as far as I can see, there have been demands to frame the university disciplinary system as an [alternative avenue](#) for justice. I personally do not even think university disciplinary systems should adjudicate these serious cases, but if their involvement is required by Title IX, my experience can at least provide some directions in which university disciplinary systems can better address accusations of sexual misconduct.

First and foremost, the fact that what was said at the appeal hearing was not recorded in any capacity is

troubling. This makes reevaluating what transpired incredibly challenging, since it is essentially the word of three administrators against mine. At the present moment, the triumvirate contest the number of text messages I produced at the appeal hearing, whether I mentioned the polygraph test and whether I brought up the fact that a state judge made no comment on my education, and Davis disputes whether I provided evidence to her over the phone. I am fortunate and thankful that the U.Va. administration has been forthcoming about what has happened, but it is disturbing that there is no accountability on the administrators or even the person appealing the suspension. The fact that none of the content from the meeting was recorded means it is impossible for anyone to look back on it, reflect on it and learn from it. At this point, it is just an insignificant footnote in U.Va. administrative history.

In my case, the difficulty was that the complainant was off-campus. Dean Groves informed me that had my accuser been a student of our University, she could have been brought up on Honor charges. Since she is not an U.Va. student, she has no accountability whatsoever. Anyone should be held accountable if their complaint is proven false to the acceptable standard of proof; further, they should be given an educational sanction if that is the case. This sanction could possibly be suspension, expulsion or have some sort of mandatory educational component. At the moment, some universities have versions of “bad faith accusation” clauses to help balance these issues internally, but that does not seem to be a uniform idea across the board, demonstrated by the fact that I cannot get a straight answer as to whether I can pursue any sort of recourse at my accuser’s university, yet her accusation was able to compel University administrators to suspend me without investigating the specific matter for themselves.

How can the University fairly evaluate a case in any circumstance if a complaining witness is not even part of the University community? Universities, as educational institutions, do not have the ability to subpoena witnesses, nor do they have the human or material resources to meticulously investigate these kinds of issues. Having an external complainant further complicates that. Title IX and universities have important obligations to protect students, which is why the abolishment of these university disciplinary systems is unlikely, but if universities currently have the right to adjudicate cases that involve external complainants, then anyone at any university should have the right to file a complaint at any school despite the offense, regardless of that person’s affiliation with that school. There is no consistency in schools’ policies since it is evident that someone outside of U.Va. can make a complaint on a student within the University community and not be held accountable for showing up to trial or cooperating with University investigators. Yet, this does not seem to be true at every University in the United States. There is also no recourse for me against this bad faith accusation, since my complainant’s university makes it very challenging for me to bring forth a complaint. Title IX and university disciplinary systems are intended to support the right to an education for all their students, but in my case they did just the opposite, undermining my rights by ruling against me before my case had come to court and denying my right to a place in our community and an education.

In my [last piece](#), written seven months before the publication of the Rolling Stone article “A Rape on Campus,” I pointed out the lack of depth in University policies by stating that the University is still unclear on how to handle these cases, and I am very thankful that recently certain administrators have been willing to work with me to discuss policy. I remain optimistic that change at the national university level, not just at the University of Virginia, can be made for the better.

The struggles victims of sexual assault and false accusations endure are not mutually exclusive. This is not about the challenges of any one victim. This is about understanding the reality of the systems available and the maintenance of an attitude that is supportive to victims on both sides of the equation. I deserved a fair evaluation from the University with clear and transparent expectations. Unfortunately, that was not the case and the damages I have sustained cannot be undone — but I wish to amend the system in a way in which recourse can be pursued to counteract claims made in bad faith while emphasizing the realities of how the system is expected to handle these situations.

This may have been the most arduous period of my life, but I have faith that my experience can provide insight on how to frame University response policies in an evenhanded manner that provides fairness for all.

to express my outrage and my suggestions for improvement on the way we handle false accusations. I am working on another article and hope to have that published relatively soon.

An accused student in a “drunken hook up” expelled despite the fact the parties were equally responsible:

The nightmare began when the phone rang late one night in 2013...”Don’t worry Mom, I’m fine but I’ve been taken out of my dorm room and moved elsewhere.... A girl and I had sex a few weeks ago ... she filed a complaint against me....She agreed to have sex, I have it in writing... I don’t know why she filed... Also Mom, I’m on suicide watch.”

My son was a freshman at Occidental College and had been on campus for two weeks. He had been immediately ushered out of his safety zone, and placed in a solitary room on the edge of campus and bullied by Occidental College to remain in that room. He could leave only to attend class, attend sports practice, and to eat in one spot on campus. This is what a \$60,000.00 per year tuition offered for my son. He was presumed guilty before any hearing took place, before the facts could be presented.

I learned over the next four months, that the college would do nothing to help my son through their Kafkaesque college investigation and hearing process; and the college would do everything to help the accuser in all ways, at all times. When we asked to see what the charges were, or asked other pertinent questions we were met with no comment, or you have to figure that out for yourself. Occidental demanded that my son find an advocate to sit with him, but they wouldn’t help him find an advocate. Occidental wanted their investigators to interview my son, but they wouldn’t allow a lawyer present. We repeatedly asked to see the complaint, and were met with silence.

I assumed that Occidental would do the right thing, act in a fair and impartial manner. I actually believed the authorities would look at the facts. Such as texting evidence of the two agreeing to meet and have sex, and the police report determining that no misconduct occurred. But I was naïve. I didn’t know that the college had pre-determined my son guilty, right at the moment the girl made her accusation.

The crux of everything comes down to Federal funding dollars, and the threats placed on colleges by the Office of Civil Rights. So it really didn’t matter that a criminal investigation cleared my son, or that the police looked at the evidence and didn’t press charges or that witnesses offered to testify for my son. It didn’t matter what evidence my son had, because the adjudicator would find my son responsible so the college wouldn’t lose its OCR Federal funding. The adjudicator refused to allow my son’s evidence into the college hearing. The adjudicator repeatedly cut my son’s testimony short, or would stop him from speaking about the facts. And the adjudicator would speak sweetly to the girl in whispers, with gentle leading questions. At the college hearing the girl had a support staff around her, keeping her upright, and holding her hand. There was nothing for my son. No other male was present in the hearing room, and he sat on a cold hard seat with vicious arrows of verbal accusations pummeled at him. He was not in a safe zone, he was in a harassment zone. The daylong hearing was a farce, with no lawyers present during the college hearing. My son was in enemy territory, and treated as such with few rights.

- My son was denied his due process rights. (14th Amendment to the US Constitution)
- My son didn’t have the right to a participating attorney.
- My son didn’t have the right to review the evidence.
- My son didn’t have the right to question witnesses.
- My son didn’t have the right to refute the girl’s selective memory with witness testimony.
- My son didn’t have the right to remain silent. (5th Amendment to the US Constitution)
- My son didn’t have the right to submit the police report into evidence proving his innocence.
- My son was not afforded the right to a fair and impartial hearing.

These are horrific college hearings that are shrouded in secrecy. A week after this sham hearing, my son

was found responsible for sexual misconduct. His education and mental health has faltered tremendously because of Occidental's out of control jealousy and this false accusation. Today we continue to be in legal proceedings.

Mother of a loving wonderful son who has been falsely accused.

The mother of an accused student with disabilities:

My son, John Doe was expelled from the University for sexual misconduct as per Title IX in 2014. His accuser also filed a report with the City Police Department (they did not contact John in regards to the complaint). We immediately requested a hearing to appeal the expulsion and retained a law firm to represent John Doe at the hearing.

Over the summer, John was evaluated for and diagnosed with "high functioning Asperger's." We believe this developmental deficit may have contributed to his inability to defend or advocate for himself when questioned by the Title IX Investigator.

A few days before the hearing, the Title IX investigator notified John's attorneys that they had received a *second* complaint for an incident that occurred in October of 2013 by a different accuser. In this incident, John did not have any physical contact or sex with his accuser, but she spent the night at his apartment because she was too drunk to drive home. Even though this second complaint was completely without merit, our attorneys advised us to withdraw from the hearing, which we did. We do not know if this accuser filed a police report however, John has not been contacted by the police department.

Currently, John has been accepted at an out of state university which he will attend in fall of 2015. He's living at home, has a job, and is taking classes at the local community college for additional transfer credits. He's also receiving counseling to help him heal from the devastating expulsion and cognitive behavioral training for his Asperger's .

The mother of an accused student who experienced a result-driven disciplinary process:

In March my son received an email from the assistant dean of students telling him to read an attached letter and to read the instructions to meet with her. The letter stated that he was accused by two girls of violating the Sexual and Relationship Violence Prevention and Response Policy.

It was Sexual Assault Awareness Month.

The incidences in question happened on separate nights 18 months prior to the accusation. There was no investigation and the hearing was scheduled about three weeks later. He was not allowed copies of the complaints but was able to take notes on them. Three days before the hearing he was informed that it would be two hearings and that any materials were due by the morning of the day before the hearing. The day before the hearing he was informed that there were revisions from the girls' complaints (ended up being text messages supporting his statements) and more witness statements (from people who only heard the story from the accusers).

Our son was in class and rehearsal all day so he did not review any information prior to the hearings. He had the right to an advisor to accompany him to the hearing but they were to have no active role. He was to defend himself against two accusers who repeatedly called him a serial rapist and a danger to the community. Even though in the first case there was clear evidence that his accuser was the instigator, he was found responsible and suspended. Then an hour and a half later he was to defend himself against another accuser calling him a serial rapist. She referenced the first hearing in her opening statement. Even though she remained friendly with him for months after the event, they had never had sex and no

police or security were ever involved, he was found responsible again and expelled due to the suspension from the morning hearing.

We feel that the accusation was the verdict and that he had no chance whatsoever. I will never understand why it is automatically assumed if a girl and a guy hook up while drinking that the guy was a predator and assaulted her. What if the girl asked to have sex with him? What if they went to her place - would that mean that she sexually assaulted him? It's absurd.

If someone can claim sexual assault with this low of a burden of proof and no attorneys are allowed active roles you might as well expel 75% of the male population. It's not right. It's not fair.

The parent of a falsely accused student:

I cannot share details about my son's case because of a confidentiality agreement with the university. There were no criminal charges filed against him and we haven't filed a lawsuit, so there is no public information about his case. His story is the same one that is happening all too frequently - drunken consensual sex that the young woman (usually many months later) decides was not consensual because she was drinking. Even though the accused man may have been in a worse state of intoxication and the accusing woman may have been sexually aggressive, if she later decides she was unable to consent, in today's climate on a college campus the accused student will essentially be guilty until proven innocent. His ability to consent and use good judgment while intoxicated will be assumed. He will be held responsible for his drunken behavior and his accuser's. I guess the sexes aren't equal after all. In a fair world, if both parties are intoxicated, they are equally unable to consent and are therefore both victims of assault.

To be clear, I absolutely support and applaud those who want to be tough on college campus sexual assault. Rapists and sexual assailants, guilty of forced sex or sex with an incapacitated person, should be behind bars. Even though there were no criminal charges in my son's case, he was expelled for "sexual assault." The damage this stigma and these charges cause to a young man's psyche and future cannot be overstated.

We had no idea our son was going through this. He was ashamed, scared, knew that the sex was consensual and although he and his accuser had both been drinking, eye witnesses said she did not appear to be overly intoxicated and certainly not incapacitated. My son was therefore more concerned about sanctions for underage drinking. His "advisor" during the student judicial proceeding was a friend. They both were clueless about college judicial proceedings and had no idea what they were up against in a post "Dear Colleague" letter world. The university ignored conflicts in the accuser's account, undisputed testimony supporting my son's account and refused to consider critical testimony regarding the credibility of his accuser's story. There was, of course, no right to confront his accuser or cross examine. No recording of the proceeding was made. My son was not advised to seek counsel or contact his family. We found out he was going through this when we received a phone call that he was suicidal and hospitalized. We hired an attorney at that point, but it was too late. He was expelled a couple of weeks after protests took place on the steps of the his school's campus judicial affairs building claiming his adjudicator was not tough enough on sexual assault cases and just as Title IX complaints were filed against his school. The school received national media attention for the protests and complaints.

During the meeting in which my son was told he was expelled, he also was told that he could continue to register for classes pending his appeal (even though in this decision he was called "a threat to campus"). This gave us hope there was a chance the decision would be overturned or the sanction reduced. Over the course of the summer he was able to complete all the classes he needed for his degree. In September the appeals board rubberstamped the decision to expel him. He now has an expulsion for sexual assault on his record and has completed all coursework for a degree. He will never be able to get a college degree under these circumstances. We have spent over \$120,000 in legal fees and full college tuition for nothing.

Our son had never had so much as a parking ticket prior to this decision. He was attending his dream school. He was the third generation of our family to attend the school. He had worked hard all through high school and done all the right things to get there. Great grades, leader, team captain, community service, well thought of by students, faculty, coaches, employers. In one fell swoop, his school crippled him for life. He will never be able to apply for the jobs he had hoped for without a college degree. I can't begin to tell you the emotional toll it has taken on him. He has been in therapy and is trying to move on, but the damage has been enormous.

It has been the most lonely, horrible nightmare we have ever faced as a family. If you haven't read "A Parent's Perspective" on the Families Advocating for Campus Equality (FACE) website, I hope you will. I could have written it. We all have the same story. One of the most difficult things, is that no one, not even family, understands that even when the sex was consensual, the young man can be expelled for assault just because alcohol was involved, while the young woman will suffer no consequences. I live in fear that my son's name will become public with "sexual assault" attached to it.

At every point along the way in this nightmare, I thought and told my son, we will find reasonable people and we will get this right. We haven't found that person yet. I am alarmed that U.S. senators are not standing up for an American citizen's fundamental right to due process and the belief that an accused person is innocent until proven guilty. Students facing expulsion or long-term suspension deserve these basic rights. I never would have believed this could happen in the United States. I grew up during the 60's and 70's and believed in equality for women and men and the enormous importance of civil rights. Women fought to be considered strong, independent, and equal. We wanted to make our own decisions and be responsible for our futures. Today, the notion that men and women can engage in the same type of behavior, yet the male is held responsible for the female is the antithesis of what we fought for. What is happening?

Criminal terminology should never be used unless rape has been proven in a court of law. We wouldn't call anyone a "murderer" unless murder has been legally proven. No one is a "victim" until the other party is found guilty. Accused students deserve the same rights and support as accusing students. Due process could not be more important in seeking the truth when a decision has life-altering consequences. These decisions should never be made by adjudicator who has a vested interest in the university. Crime should always be investigated by the police.

This summary is taken verbatim from an online article:⁶

Under this new regime of sexual policing, college students are being stigmatized as rapists and expelled from college even in cases where there is compelling exculpatory evidence. Vassar College student Xialou "Peter" Yu, a Chinese national with a 3.8 GPA, was expelled from Vassar in February 2013 for having sex with Mary Claire Walker, a female student who is one year Peter's senior and whose father is a professor at Vassar. On February 18, 2012, Yu and Walker, who were on the crew team together, had some drinks at a party, started making out at a campus dance venue, and then went to Yu's dorm room.

According to Yu's legal complaint, upon entering the dorm room, Yu informed Walker that he was a virgin, and she responded, "It's okay, I know what to do." Walker then began to undress herself and started undressing Yu. The next day, Walker sent Yu an email assuring him that she had had a "wonderful time" and that he had done "nothing wrong." She wrote that she was sorry that she had "led him on" when she wasn't ready for a relationship. A month later, Walker contacted Yu again to apologize for the incident and express hope that it would not affect their friendship. There were several more friendly exchanges over the next seven months. At one point, Walker invited Yu to dinner at her place. Vassar College has

⁶ Carle, Robert, "The Trouble with Campus Rape Tribunals," *The Witherspoon Institute; Public Discourse*, July 14, 2014, <http://www.thepublicdiscourse.com/2014/07/13369/>.
Yu v Vassar Complaint, <http://kc-johnson.com/vassar/>.

acknowledged that these email exchanges took place.

In February 2013, on the last day that she could press charges against Yu, Walker filed a complaint of non-consensual sex against Yu. By filing on the deadline, Walker ensured that Yu could not file a counter-claim. Sixteen days later, a panel of three Vassar faculty members (Walker's father's colleagues) found Yu culpable and immediately expelled him from Vassar. Vassar denied Yu's request to call his roommate and Walker's roommates as witnesses. Walker's friendly messages to Yu were barred from the hearing as irrelevant. Yu was not allowed an attorney. After his expulsion, Yu was rejected by ten colleges.

Peter Yu's ordeal at the hands of Vassar's "Interpersonal Violence Panel" has become routine on college campuses. In 2010, [Caleb Warner](#) was expelled from the University of North Dakota on the basis of a rape charge even though the police had issued a warrant for his accuser's arrest for filing a false report about Caleb. In 2012, Ohio's Xavier University expelled basketball player Dez Wells from college based on a rape charge that the [county prosecutor Joseph Deters publicly denounced as false](#). "There were students on that conduct board, looking at rape kits," Deter said. "They'd say, 'I don't know what I am doing.'"

Patrick Witt; this summary is taken verbatim from an online article:⁷

I am a first-year student at Harvard Law School, and I join the 28 members of our faculty who recently protested the university's adoption of a new and expansive sexual harassment policy. While I agree wholeheartedly that universities have a moral as well as a legal obligation to provide their students with learning environments free of sexual harassment, I echo the faculty's concern that this particular policy "will do more harm than good," and I urge the university to reconsider its approach to addressing the problem.

If considered only in the abstract, many might wonder how a policy with such a laudable aim could draw any serious objections. And I might well have been among them — were it not for the fact that such a policy nearly ruined my life.

Now, in the hopes that my painful and humiliating experience might yet produce some good by improving the final measures adopted, I offer my own story as a real-life example of how this well-intended policy can produce disastrous consequences if it remains detached from the most basic elements of fairness and due process that form the foundation of our legal system.

Harvard's new policies are substantially similar to those already in effect at Yale, my alma mater. While an undergraduate there, my ex-girlfriend filed an informal complaint against me with the then-newly-created University-Wide Committee on Sexual Misconduct. The committee summoned me to appear and styled the meeting as a form of mediation. Its chairman, a professor with no prior experience handling dispute resolution, told me that I could have a faculty adviser present but no lawyer, and instructed me to avoid my accuser, who, by that point, I had neither seen nor spoken to in weeks. The committee imposed an "expectation of confidentiality" on me so as to prevent any form of "retaliation" against my accuser.

I would say more about what the accusation itself entailed if indeed I had such information. Under the informal complaint process, specific accusations are not disclosed to the accused, no fact-finding takes place, and no record is taken of the alleged misconduct. For the committee to issue an informal complaint, an accuser need only bring an accusation that, if substantiated, would constitute a violation of university policy concerning sexual misconduct. The informal "process" begins and ends at the point of accusation; the truth of the claim is immaterial.

When I demanded that fact-finding be done so that I could clear my name, I was told, "There's nothing to

⁷ Witt, Patrick, "A sexual harassment policy that nearly ruined my life," *Boston Globe*, November 3, 2014 http://www.bostonglobe.com/opinion/2014/11/03/sexual-harassment-policy-that-nearly-ruined-life/hY3XrZrOdXjvX2SSvuciPN/story.html?p1=Article_Trending_Most_Viewed#comments

clear your name of.” When I then requested that a formal complaint be lodged against me — a process that does involve investigation into the facts — I was told that such a course of action was impossible for me to initiate. At any time, however, my accuser retained the right to raise the complaint to a formal level. No matter, the Committee reassured me, the informal complaint did not constitute a disciplinary proceeding and nothing would be attached to my official record at Yale.

Coincidentally, the same day that my accuser decided to lodge the complaint against me, the news that I had been selected as a finalist for the Rhodes Scholarship had been publicly announced. The news gained national attention, with stories in every major media outlet in print and online, because of my position as Yale’s starting quarterback and the fact that my interview date was set for the same day as my last Harvard-Yale football game.

Days after the initial meeting with the University-Wide Committee on Sexual Misconduct, I received a phone call from the Rhodes Trust informing me that they had received an anonymous tip that I had been accused by a fellow student of sexual misconduct. Next came a call from my summer employer, who, having received a similar anonymous tip, rescinded my offer of full-time employment upon graduation.

Months later, long after I had already withdrawn my Rhodes candidacy, [the New York Times](#) somehow also learned of the “confidential” complaint made against me, and that the Rhodes Trust had been aware of it. The paper then published a lengthy article revising the narrative of my pursuit of the scholarship and suggesting that I had intentionally misled media into believing a feel-good sports story that never was. The Times later printed a retraction, but the damage was already done; I was publicly humiliated. The memory of being told by the Committee that I had “nothing to clear my name of” was searing.

At the time the article was published, I was busy preparing for the NFL Combine, which I had been invited to as one of the top college quarterbacks in the country. Projected as a likely NFL draft pick before the accusation was made public, I went not only undrafted but completely untouched by any NFL team.

The destructive power that Yale’s and now Harvard’s new sexual misconduct policies wield is immense and grossly underestimated. By giving to unsubstantiated accusations the confoundingly difficult-to-define title of “informal complaint” — and denying accused students an opportunity to clear their names — these policies place the entire weight of the university’s reputation on the side of the accuser and against the accused. After all, if you didn’t do anything wrong, then why has your school recognized a complaint against you, informal or otherwise?

I cannot begin to describe how exasperatingly difficult it has been to try to explain to people what an informal complaint is and how there was never any evidence — nor any effort made to discover evidence — to substantiate the claim made by my accuser. My summer employer and the NFL certainly couldn’t understand it, and the media flat out didn’t care — the words “informal complaint” were all that was needed to establish my guilt in their eyes.

The complaint lodged against me caused me and my family immense grief, and as a simple Google search of my name reveals, its malignant effects have not abated. It cost me my reputation and credibility, the opportunity to become a Rhodes scholar, the full-time job offer I had worked so hard to attain, and the opportunity to achieve my childhood dream of playing in the NFL. I have had to address it with every prospective employer whom I’ve contacted, with every girl that I’ve dated since, and even with Harvard Law School during my admissions interview. It is a specter whose lingering presence is rooted in its inexplicability.

In closing, the reader might note that I have yet to even address the question of whether I was innocent of the accusation. I was. But it does not come up at any point above for the same reason that it never came up in any of the actions taken against me — because by the nature of the proceedings that follow from these new policies, it simply does not matter.

This summary is taken verbatim from an online article: ⁸

In December 2013, Amherst expelled a senior “after a disciplinary board concluded that he had forced a female classmate to perform oral sex during an alcohol-infused encounter nearly two years earlier. In April 2014, however, the expelled student presented the college with new evidence — a series of text messages the woman sent to two other male students immediately after the alleged rape, according to a lawsuit. To one, a dorm counselor, she described the sexual encounter in language that suggested it was consensual and she wrote, “It’s pretty obvi [obvious] I wasn’t an innocent bystander.”

To the other student, she sent text messages inviting him over later that same night to “entertain” her — an invitation that resulted in a second sexual encounter, according to text messages and an affidavit by the male student. The accuser testified during the disciplinary hearing that she had texted a friend to come over after the alleged attack.

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In the weeks after he was expelled and ordered to leave campus, Doe was alerted to the existence of the text messages and obtained copies of both sets of texts with the help of friends, according to Stern. The text messages are included in the lawsuit.

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Meanwhile, the expelled student is in academic and professional limbo. His transcript, which he would need to finish his degree or get a higher position, says he was expelled for disciplinary reasons, according to the lawsuit.

Now 22, he was looking forward to a career that probably would have been enhanced by a degree from one of the country’s most prestigious liberal arts colleges. For now, he said in an interview, he works at a small company where he started as an intern last year before getting his first promotion. His superiors wonder why he did not finish college. And he said he is so embarrassed about what happened that he stays home at night, and is so ashamed of being seen by former classmates that he wears sunglasses when riding the subway.

He has a teenage brother. “I had wanted to be a good role model for him, so this is so disappointing,” he said, as his eyes filled with tears. His father knows he was expelled, but not why.

He asked that he not be identified. Though he wants his name cleared, he said he does not want notice of the case to follow him on Google for life. As for his accuser, it is the Globe’s policy not to identify alleged victims of sexual assault unless they decide otherwise.

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The disputed sexual encounter began late on a Friday night, when Jones, the accuser, and Doe were sophomores. He had been dating her roommate, who was out of town, for a month.

According to accounts by the accuser and witnesses given to Allyson Kurker, the outside investigator brought in by Amherst, Doe arrived in a fourth-floor dormitory lounge where several friends had gathered. He was very drunk. She was tipsy. Within minutes, they were “making out” in front of the others, and then left and went to her dorm room.

In her initial written complaint, Jones said that in the dorm room, the entire encounter was forcible. But in her interview with Kurker and during the hearing, she said the oral sex was initially consensual; then, after Doe boasted about “hooking up” with both her and her roommate, she told him to stop. He refused to do so, she said, according to the hearing transcript.

In his defense, Doe said he was not the kind of person who would do such a thing. But he told the disciplinary board he was so drunk that night he had no memory of the encounter. During the 2013

⁸ Robinson, Walter V., “Expelled under new policy, ex-Amherst student files suit,” *Boston Globe*, May 29, 2015, <http://www.bostonglobe.com/metro/2015/05/29/amherst/4t6JtKmaz7vYsRQk5NDyJ/story.html>.

hearing, Jones's roommate testified that she had learned Jones had exchanged text messages with a resident dorm counselor just after the alleged rape. But the school made no effort to contact the counselor or obtain the texts, according to the hearing record. When a hearing officer asked Jones about those texts, she replied: "I didn't want to address what had happened to me and I was in no position yet to accept that it had been rape. So in my text messaging [to counselor] I only said things about the hook-up as if it had been consensual."

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In the texts, which extend over several hours, Jones and the dorm counselor exchanged the following messages:

Jones: "Ohmygod, I jus[sic] did something so [expletive] stupid."

Counselor: "What did you do?"

Jones responded that she had sex with Doe. Then she expressed concern that her roommate would find out, noting that her roommate's friends had witnessed the start of the encounter.

The counselor's recommendation was to blame Doe for the encounter. Her reply: "But I mean [roommate] knows me it's pretty obvi I wasn't an innocent bystander."

As she was texting with the counselor, Jones was also texting another male classmate to come to her room: "I mean I happen to have my room to myself this weekend if you wanted to come over and entertain me." Hours later, Jones had another text exchange with the counselor that indicated she and that classmate had sex after hours of conversation.

In an affidavit he signed in April 2014, the classmate, who turned over his text messages to Doe early last year, said he had sex that February night with Jones, who was friendly and flirtatious, and did not appear "anxious, stressed, depressed or otherwise in distress."

The following statement is that of Joshua Strange, one of the earliest students falsely accused and found guilty of a sexual assault by his former girlfriend. Joshua is a respected and well-liked member of FACE's board of directors.

The View From Under the War Eagle Bus
Joshua Strange, Former Auburn University Student

On May 30th of 2011 at a party at a friend's house, I was introduced to the person who would later become my accuser. We both were students at Auburn University. She asked me to spend the night at her condo the very first night. Our relationship developed quickly and she and her dog began living at my apartment by mid-June. I liked her so much that I asked my parents to come to Auburn for a weekend to meet her.

On the evening of June 29th, she and I went to a bar together to celebrate a mutual friend's acceptance into law school. By the time we left the bar and went back to my apartment, we were both intoxicated. I had a female friend/witness that would later offer testimony that when my accuser and I got to my apartment, my accuser kept telling my witness that she just wanted to have sex with me. After my witness had left my apartment that evening, and my accuser and I slept for a while – I really have no idea exactly how long – we both woke up and she initiated sex. However, during the sex, she suddenly became upset so I immediately got up out of bed and asked her what was wrong. I had no idea what was wrong but I did not want her to be scared or upset, so I told her that I wanted her to have control of the situation. My bedroom door in the apartment had a single-key deadbolt on it so that it could be locked from the inside and only opened from the outside with a key. I told her that I was going to leave the room, lock the door with my key and slide the key (the only key) under the door so that she knew that no one could come in unless she allowed it (a fact that she confirmed under oath in court).

After I had left the room and unbeknownst to me, she called an off-duty police officer friend who then in turn circumvented the 911 system and called the police for her. I was standing in the kitchen of my apartment when the police arrived and barged into my apartment unannounced. They approached me, instructed me to get on the floor (which, obviously, I complied) and handcuffed me. I had no idea what was going on but I cooperated. One or two of the officers went back to my bedroom and she unlocked and opened the door. They talked to her. They talked to me. I was put in the back of a squad car and taken down to the Municipal Building. I was asked questions and I gave a statement. I was terrified. They took my picture. They took my accuser to the hospital for a rape kit. After what seemed like forever the officers got a call from the hospital, they took me back to my apartment, they said that her statement and my statement of events matched each other and that I was free to go, and they left me. I sat down on my couch in absolute disbelief at what had happened. I was terrified. I did not know what to do so I just sat there in the dark.

The police came back to my apartment with my accuser around 4:30 a.m. and asked me to step outside while she gathered her things and her dog. They then took her to her apartment and left her there. A short time later (around 5:15 in the morning) my phone began to ring and it was my accuser calling me. She wanted to come over to talk and I sure wanted to know what happened, so I agreed. She asked if the police were still there. I walked outside and saw that they were still in the parking lot outside my apartment so she said was going to park in another parking lot so that "the officer doesn't see me going up there again." She and her dog came back to my apartment and we talked. She and I both apologized for what had occurred and she told me that she saw it as nothing more than a misunderstanding between the two of us. I agreed – although I still was not sure what had happened – and she went back to my bedroom, got in my bed

and went to sleep. She asked me to join her because she said I “looked exhausted”. I said that I did not want to go to bed so I sat on my couch. I still needed to wrap my head around the events of the evening.

In early August, we decided to take a break from dating. She was getting ready to go through sorority rush. This, coupled with her continued close relationship with an ex-boyfriend, led us to break up for the time being. We kept in regular contact and it seemed like we would probably get back together. The night before classes started (August 17, 2011) I awoke to a phone call around 1:30 a.m. It was she. She wanted to come over. I had an 8:00 a.m. class, but I agreed. She came over and we had sex. The next morning we parted ways but continued to speak through texting. It was not until August 28th that we decided to talk about the potential for us rekindling the dating relationship. She wanted to “get back together” but I had a stipulation. I was not comfortable with her extremely close relationship with her ex-boyfriend. When I voiced my concern, she became extremely angry. I told her “Since you will not back away from the relationship you have with him, you and I are done.” This was not what she wanted to hear and she stormed away.

After our conversation, I deleted her phone number from my phone and she and I were no longer friends on Facebook. It appeared to me that we were done. We had no contact at all from August 28 until September 4, 2011. That evening of September 4 (the Sunday of Labor Day weekend) I was walking to the bar with a couple of friends and my phone began to ring. I looked at the number and although it was no longer saved in my phone, I recognized it immediately. It was my accuser. I answered to her frantic voice asking where I was. I told her where I was and she said, “So, you’re not at your apartment?” I told her no and asked if something was wrong. She said everything was fine and that she wanted me to meet her to talk about the possibility of “us”. I could tell something was up but I told her that I was not going to meet her that evening. Just before I hung up I told her I would call or text the next day – Labor Day – if she wanted to talk. I did send her a text that Monday but she never responded to it.

The day after I sent that text to her (Tuesday, September 6, 2011), I went to Wal-Mart with a female friend/neighbor of mine because I needed groceries. While in the check out line, my phone began to ring. It was one of my roommates telling me that police officers were at my apartment and wanted to speak with me. I had no idea what they wanted but I checked out quickly and rushed home. When I pulled up to my building the police were waiting for me at my parking spot.

At that point I was arrested, booked and photographed but no one would tell me the charge. My best friend, Tim (the one who had introduced me to my accuser) called my parents to tell them I had been arrested. They arranged for my bail. They told me to deactivate my Facebook page and my Twitter account, to stay off my phone and not to talk to anyone, including my roommates, about what had happened until they got to Auburn the next morning.

It was not until two days later, on September 8th, that I finally learned the charge. She claimed it was assault and battery – CDV III. She said that I had approached her in a parking lot and hit her in the face on September 4, the night that I was walking with friends when she called on my phone. There is no way I had done this. I had not seen her in days and I was nowhere near where she had claimed the battery occurred. I could prove it.

My parents and I met with a lawyer on September 8, 2011. I told my parents and my lawyer everything from June 29th all the way to the events of that day – not a conversation you EVER want to have, especially with your parents.

My world was crumbling and I had no way to control it. Within a short period, I found out that she had filed a charge against me with the University for beating her up and using that claim, the school allowed her to go outside of the 15-day complaint period to file a rape charge against me, too. Then I was told that I was going to be presented to a Grand Jury on the sex assault charge and that there was a hearing set in criminal court for the battery charge, and the university began to pursue disciplinary charges against me for crimes that I had not committed. Many of my friends ceased to speak with me. My fraternity kicked me out. My accuser had gone to several different groups on campus claiming that I had raped her, beaten her up...she even told some people that I had raped other students and that I had tried to poison her dog while she was living with me over the summer. I have statements from some of these individuals affirming that she made these defamatory statements. But I could not talk to anyone in order to defend myself. I had to try to make sure that I was not going to prison for something I did not do and that, according to my attorney, meant silence.

On September 27, there was hearing on a Protection from Abuse complaint that my accuser had filed on September 9 and during the hearing, she testified that I had hit her so hard, I had done permanent damage. She showed up being escorted by Susan McAllister, the Assistant Director of Public Safety for Auburn University. (Funny, no one from the school offered to be there to support me.) My parents, my sister and my brother-in-law were there for me. Her family was nowhere to be seen which the judge found odd and even asked her about it. When she took the stand, it was clear that the bruise was on the wrong side of her face for my right-hand dominance. She had no medical records to show that she had sought any medical treatment. She had waited 2 days to even go to the police to file a complaint about the purported battery. She had attended the AU/Miss State football game on September 10, 2011 with another guy and had posted pictures on Facebook of her at the game – no bruising on her face to be seen. She said that there were witnesses to the battery but she did not want to give up their names. The judge issued the PFA – they are easy to get – but it was a mutual PFA.

On October 17, 2011, I got an email from Kelley Taylor, the Auburn University then-and-current Title IX coordinator, wanting to schedule a meeting with me. She refused, however, to “deal” with my attorney so my attorney advised me not to meet with her since anything that I said to her could be subpoenaed for criminal court.

The university scheduled Student Disciplinary Hearings on both of the charges but only one of them came to fruition. The first hearing was set for November 8 and was to be on the sex assault, even though she had filed that complaint second to the battery complaint. The school said that it had to hear the sex assault complaint first because it was more serious, but I question that since there was merely 1 week between to two scheduled hearing dates. The second hearing on the battery was set for November 15, 2011.

In mid-October, about three weeks before the first hearing, the school informed me they were lowering the standard of evidence in the sex assault to preponderance. Prior to that time, everything they had given me about the hearing had indicated that it would be clear and convincing. My mother is a paralegal and she immediately knew that

this was not going to go well. How could a battery be “clear and convincing” and a rape be “preponderance”?

In the meantime, walking around campus had taken a terrible turn. It is hard to put the feeling into words. As stated earlier, my accuser had gone to anyone who would listen on campus and spread the lies about me. People were staring at me while I walked to and from class and I could hear them talking about me in the line at Chik-fil-A in the student center and on the campus bus transits. I could hear comments like “That is Josh Strange. He raped and then beat a girl up.” I heard people whisper and call me a “monster”. It was the worst feeling in the world. I wanted to say something, but I knew I could not. There was nothing I could do and it only exacerbated my despair. I was all alone. Yes, I had my family and my closest friends who stuck by my side, but I was really all alone. What was worse, my school did not attempt to reach out to me at all...I had no one.

I submitted all of my witness information and evidence, as I was supposed to do, the Friday before the Tuesday, November 8 sex assault hearing. We were supposed to do that so that each of us could view the other’s information before the hearing. She did not submit hers because she claimed she had to be out-of-town due to her brother’s injury in a very serious accident. (We have information that in fact her brother rode in a rodeo that very next weekend so he could not have been seriously injured in an accident the weekend before the hearing.) Regardless, I did not get to review her “evidence”.

The morning of November 8, 2011, I entered the “hearing” room and saw a black sheet hung across the middle of the room so that my accuser and I could not see each other. The minute I entered, a feeling of doom came over me. I somehow knew at that moment that my time at Auburn was over. For the hearing, I was allowed to have one person in the room with me but that person could not speak. She could have a “silent” advisor, too. We could present witnesses and evidence but we could not ask each other direct questions nor could we question the witnesses directly. My attorney had asked that her “other” boyfriend be compelled to attend the hearing as we felt that he had pertinent information about the night of June 29 since he was also at the bar and was, we believe, buying her drinks. However, Dr. Brandon Frye, Dean of Students at the time, said that he was not able to compel students to attend a hearing.

My accuser’s advisor, much to my dismay, was the prosecutor for the City of Auburn that was going to try me in criminal court. As soon as my attorney saw him, I was told not to testify in my own defense since my attorney could not actively assist me during the hearing. Again, anything said in that room could be subpoenaed and held against me in criminal court, I would have been testifying in front of the criminal court prosecutor, and because my attorney could not speak or object to anything said during the hearing, he did not want me to say anything at all.

The hearing began. She presented her case and her “witnesses” – the Title IX coordinator and the Assistant Director of Public Safety for the school – neither of who had witnessed anything and even admitted that they had not asked her any details about the “rape” incident. She testified that she had to be tutored/home schooled because I was such a threat - I have downloaded her FaceBook information that shows her at sorority rush, at fraternity parties, at football games, hanging out with her other boyfriend, and at various places on campus during this time, which directly contradicts her allegations that I was a threat to her and she was afraid of me.

I then presented my witnesses: Tim, who told about our obvious ongoing relationship post-June 29; my sister and her husband who each testified about the relationship during the weekend that they spent with us in mid-July; and my female friend that had helped us on June 29th when my accuser had repeated several times that she wanted to have sex with me that night.

After the deliberations, the university hearing panel found me “guilty” and recommended expulsion. Although I could not see her on the other side of the black curtain, I heard a slight laugh come from her direction. It felt like being punched in the gut. I walked out of the room to see my parents. I had to tell them but the words would not come out. My knees buckled. I heard my lawyer tell my mom. She looked as though she was going to be ill. I will never forget seeing how much this had hurt my parents.

After she got the result she wanted in the sex assault matter, my accuser dropped the battery complaint with Auburn so we never had the student hearing set for November 15. The school did not inform us that she had withdrawn the complaint until the evening before the hearing so my parents had already driven all the way back to Auburn for the second time in a week when we found out she had withdrawn it. No matter to the school or to her since her parents – her parents had not attended anything except football tailgate parties so far that semester. They certainly never showed up for the school or for the court hearings.

The wait for the decision by the VP of Student Affairs then began. It was an agonizing three weeks before Dr. Ainsley Carry rubber-stamped the expulsion. Again, another kick in the gut. I thought surely he would listen to the hearing recording and know that her testimony was false – the school should know that she wasn’t being home-schooled, right? – or perhaps ask me or my witnesses questions.....something....anything. He didn’t. To this day, I don’t think he ever even knew exactly who I was.

From the date of Dr. Carry’s decision, we had five calendar days to enter an appeal of the expulsion to the President of Auburn University, which we did within the time limit given by the university. We filed it at the beginning of December. She, in turn, was to have five days to respond to my appeal. She finally sent her response in on January 18, 2012, more than a month later. I assumed that Dr. Jay Gouge would not accept her response. Wrong again.

Keep in mind that while all of this was going on, I was still facing criminal charges from the City of Auburn (battery) and potential Grand Jury presentation in the State of Alabama (rape). I was in a constant feeling of despair and fear, depression. I was always looking over my shoulder and putting my head down, hoping that people wouldn’t notice me and say something. It was a terrible feeling. Even more crushing was that I knew my parents were feeling the same way. They would call to make sure I was all right, sometimes multiple times a day. I knew they were worried for me and about me. It was defeating.

Finally, after all of this waiting - this pain and anguish that I had been experiencing - a small ray of sunshine broke through the clouds. I was “no-billed” by a Grand Jury on the sexual assault charge stemming from the June 29th incident. Surely, if the Grand Jury found not even probable cause then the President of Auburn should see

that there was no preponderance of evidence, since that is a higher standard. I was happy that I had finally been cleared and that others realized I had not committed a crime.

That happiness and relief was short-lived. Five days after the Grand Jury “no-billed” my case, I was called into the Office of Student Conduct. The President of the University had finally made a decision on my case: it was February 8, 2012. I sat down across from the Dean of Student Affairs, Dr. Brandon Frye, and he began to explain. His almost smug demeanor and his words will live with me forever: “Some days my job is very good because I get to tell students that their troubles are over and they get to stay in school. Some days my job is one of the worst because I have to tell students that they have been expelled from school and cannot return. Unfortunately, this is one of those days. I am sorry to say you have been officially expelled from Auburn University on the grounds of violating the Code of Student Conduct.” That was it. I was officially expelled. I was never allowed to return to university grounds unless I wished to face charges of criminal trespassing. I texted my mom, “I am gone. Expelled. It is over.” I knew she would be devastated, too. I was at the bottom of the pit.

I had previously thought that I couldn’t possibly feel any worse than I did the day they recommended expulsion. Oh, how I was wrong. I spiraled into a deep depression. I was rejected and shamed. I had spent so much time and money with the university and I had absolutely nothing to show for it except failure. I felt more alone than ever. I remember going home and just sitting on the couch alone and thinking “What in the hell do I do now? What just happened? Why is this happening to me?” I could barely breathe. It hurt so much I could not even cry. I guess it was shock.

We asked for a refund of my tuition for Spring 2012, since it was just the beginning of the semester. They refused. I had to remain in Auburn from February 8 until the assault hearing 3 ½ months later because I had to report to a bail bondsman once a week – something I had been required to do every single Tuesday at noon for 8 long months. The refunded tuition money would have helped me support myself. To add insult to injury, when grades came out for Spring 2012, they had not withdrawn me and had instead let me fail. They even sent a letter saying that according to my professors, I had “stopped attending classes” and as such, they had returned my student loan money to the Federal student loan program and they were going to invoice me for the money that I now owed them. I still have that letter.

Time dragged until it was time for the hearing on May 24, 2012. My parents yet again drove the 4 hours to Auburn and paid for a hotel room and paid attorney fees for the hearing. My accuser did not show up – purportedly because, as she told the court, she had to work at her waitressing job. We subpoenaed copies of her work records for that day – she had the day off. Her failure to show up for the hearing resulted in a dismissal of the case against me. I was glad it was over but I was very disappointed that not only did I not get to prove in court that she had lied about the entire incident but I had also asked my witnesses to drive in from out-of-town for the hearing which turned out to be a waste of their time.

I left Auburn and moved home to South Carolina shortly after May 24, 2011, still in a relatively deep depression. I constantly felt doomed. I began drinking a lot. I spent weeks in my room with the drapes drawn. I still had no FaceBook page, no social media at all, no social life at all. My parents finally convinced me that I needed to try to get into another school – to get a life and find a future. The Dean of Students at Auburn had told

me that my transcript would be stamped “Expelled” so I was terrified to try to apply anywhere else. I did not want to have to explain it, to have to talk about it. I just wanted to hide.

My mother finally convinced me that I needed to find a way out of the despair. She talked me into applying to The University of South Carolina-Upstate. I was accepted, much to our shock and surprise. My transcript from Auburn actually showed me as a “Student in Good Standing”. Auburn had also changed my “Fs” to “W” since we contacted their outside counsel and pointed out the error of their ways in not withdrawing me.

Unfortunately, because I have spoken to the media, and although her name has never appeared in print, Auburn University dragged their feet in letting me see my records that I had requested under FERPA because they claim that I have divulged her identity to the media. She ran all over campus telling anyone she could find all of her claims about me, never attempting to hide her identity but I am not allowed to talk about my story, according to Auburn University. I was finally allowed to view my records this past February – we were required to drive 5 ½ hours to Montgomery, Alabama to see them – but Auburn has still refused to allow me to have a copy of them. In reviewing them, however, I now know that all of these false police reports, the lie about the battery charge, it is all in there. We have asked Auburn’s counsel what we can do to get my side of the story into my file, since the hearing on the battery never took place and therefore my information has been left out. They have refused to let us submit anything in my defense. According to them, the case is “closed” and nothing can be added or removed. Any grad school, any security clearance that I may need to further my professional career can be derailed by what is in that file. It is a never ending story.

My life will never be the same. My dreams have changed. My hopes have changed. Friendships have been lost. To this day, I am afraid to date. My parents have had to struggle to pay legal bills. My mom still cries at times. It does not have to be this way. It should not be this way.

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