

SEXUAL ASSAULT ON CAMPUS



Public records show 167 sex offenses were alleged to campus police at eight Ohio universities in 2014 and 2015. Statistics from three local universities, Wright State University, Miami University and Wittenberg University, were part of those numbers. The other universities were Ohio State, Ohio University, University of Dayton, Central State and Otterbein. Of the 167 reported offenses, 79 were alleged rapes and sexual assaults. Studies, however, indicate that these reported cases are a small fraction of total assaults on campuses. In the middle photo, a Miami University student in 2012 signs an umbrella in an effort to raise awareness about sexual assault. STAFF

Assault

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It was Halloween 2015. The Miami University freshman went to a fraternity house, then hit New Bar in Oxford with friends. She ran into a guy she knew from calculus class. They danced, and eventually they kissed. He walked her back to campus.

This newspaper agreed not to use the woman's name for this story, referring to her only as Mary.

"During our walk, I felt intoxicated so I held on to his arm. I remember him saying, 'You are way too drunk; we are not doing anything else,'" Mary later told investigators.

They stopped at the Armstrong Student Center because she said she had to use a restroom; he suggested a family one on the third floor. They both went to the restroom, then started making out again.

"I was OK with some of the stuff, the kissing and stuff, but he started getting aggressive," she said.

Using Ohio public records law, this newspaper acquired reports of 167 sex offenses alleged to campus police at eight Ohio universities in 2014 and 2015. They included 79 alleged rapes and sexual assaults. Other charges included fondling and voyeurism. These cases represent a small fraction of the total assaults that took place on the campuses, studies have shown.

Just five of the 79 cases examined by this newspaper led to arrests in 2014 and 2015, and not a single one had resulted in a prison sentence. A handful of the cases remained open at the end of the year.

Many victims wouldn't give police their names, or provide help in the investigations because, many said, it felt like dragging out a painful experience they just wanted to end. Several pushed for arrests, but county prosecutors couldn't or wouldn't press charges.

"I think it speaks to the barriers that so many of these survivors face," said Katie Hanna, director of the Ohio Alliance to End Sexual Violence.

"He wanted me to get on the floor so we could have sex and I said no, and that's when he put me on the floor," Mary said.

She said she started crying and scratching him, and said he was hurting her. She said he didn't use a condom.

"He told me I was being too loud and covered my mouth."

When he was done, he looked down at her and realized he couldn't leave her there, she said. "He actually had to stand me up ... He said, 'No, you can't do this. I have to take you back to your dorm. You have to get up.'"

She said after he nearly carried her back to her room, he pushed her to perform another sex act on him before he left.

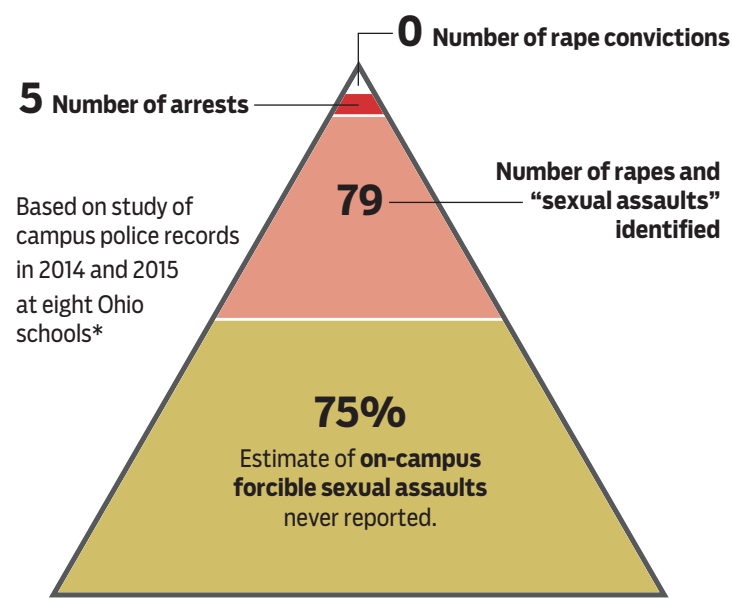
There is no comprehensive way of knowing how many sexual assaults are reported to police and university officials, despite the federal Clery Act designed for that purpose.

The Clery Act requires every college and university in the country to release a report every October that includes how many sexual assaults and other crimes the school was aware of the previous year.

The eight schools included in this newspaper's analysis were the University of Dayton, Ohio State, Wright State, Miami University, Ohio University, Wittenberg, Central State and Otterbein. The last

79 rapes/sexual assaults; no prison time

Convictions for on-campus sexual assaults like the one in the Brock Turner case are rare, an investigation by this newspaper found. Most assaults aren't reported, and few police investigations lead to arrests.



* The eight schools are Ohio State University, University of Dayton, Miami University, Wittenberg University, Wright State University, Central State University, Ohio University and Otterbein College

Source: Analysis of university police records, Association of American Universities study

JOSH SWEIGART, ROBERT CALZADA / STAFF

COMING MONDAY

Our investigation reveals sexual assault allegations at area universities that never made it to court. Also, a survivor talks about why she never reported her assault.

of these was included because a Supreme Court decision against Otterbein last year made police records at private universities public for the first time, allowing for this investigation.

These eight schools combined reported 117 on-campus forcible sex offenses in 2014, the most recent year for which numbers are available. This includes rape and forcible fondling.

But not all of the incidents were reported to campus police, because federal and state laws allow victims to ask that cases not be handed over to police. But for Clery purposes they are encouraged to report to the university that a crime occurred, without details.

At the same time, not all sex offenses handled by campus police are reported through Clery. At the University of Dayton, for example, UD police investigated three rapes alleged by students in the student neighborhood that school officials say didn't have to be reported because they occurred in a non-university-owned landlord house.

The next morning, it took time for it to sink in. Mary told her friends about what happened over breakfast at the dining hall. She panicked when she thought she saw her attacker, but he wasn't there.

Finally she realized she needed to go to the hospital to guard against pregnancy and sexually transmitted diseases. The nurse reported it to Miami University police.

The vast majority of sexual assaults are reported to no one.

A study last year by the American Association of Universities surveyed students at 27 colleges and universities and found that only about a quarter of students who say someone forced them to have sex through physical force — holding them down, attacking them or threatening them with a weapon — reported it to police or campus officials.

For students who say someone had sex with them while they were passed out, asleep or incapacitated due to drugs or alcohol, only 5 percent reported it to authorities.

Survey respondents said they didn't report incidents because

they didn't feel they were serious enough, they were "embarrassed, ashamed or that it would be too emotionally difficult," or they "did not think anything would be done about it."

Mary first spoke to a male Miami University officer, followed by a female officer who she felt was skeptical of her claims.

"She kept saying, 'Are you sure? Are you sure?' She said, 'If this was my boy I'd want whoever was saying it to be sure,'" Mary said. "To me, she seemed like she thought I regretted it, and that's why I reported it."

Mary told the officers she didn't want to press charges.

The mere thought of seeing the man again overwhelmed her with anxiety, let alone facing him in court. Mary didn't fill out a statement.

"She said she is not sure if she wants to have criminal charges filed against (redacted) because she doesn't want to ruin his life," the police report says.

The case was closed — the first time — Nov. 4 after Mary signed a form waiving any criminal or administrative process.

Police reports reviewed by this newspaper list the main reason for closing investigations is a lack of cooperation from the victim. Women alleging heinous crimes refused to give police details about suspects, or return officers' follow-up phone calls.

Laura Baxter, executive director of Project Woman in Springfield, said victims often want a return to normalcy and are terrified of the implications of going through the administrative or criminal justice system.

"There's a risk of the stigma, the identification, the reminders of the crime that happened," she said. "If they report, it becomes something of a public arena, and they have to begin to share and the process gets bigger in the process of sharing."

"How do I balance the decision to take care of myself (as a victim) and heal my trauma or expose myself to more through the process of holding a perpetrator accountable? Because it's not done quietly."

Campus police can pursue a case without a victim's permission, but records obtained by this

newspaper show they rarely do so.

"University police investigate all cases to the extent they can, for the protection of our campus community and the community at large," UD officials wrote in a statement. "Whether an individual is fully pursued through the criminal justice system is a decision for the prosecutor. If a victim does not want to prosecute, our ability to pursue a criminal case is limited."

Mary's decision to pursue criminal charges against the suspect came two weeks later after a fluke: The results of her medical tests from the rape kit were sent to her parents' home. Talking to friends and family strengthened her resolve.

"They say that people who do this sort of thing do it again, and I didn't want anyone else to go through it," she said.

Miami officers for the first time got his version of events. They diverge completely at the point they go into the bathroom and start kissing.

"She then asks if I have a condom to have sex. I said yes," he wrote in his police statement on Nov. 18. He said he stopped after maybe 45 seconds for fear of getting caught.

"I was scared of someone catching us because it would be so embarrassing. I told her we had to stop and I threw the condom away."

"I wanted to walk her back because no girl should walk back so late," he said, claiming he took her home, gave her a hug and a kiss and left.

Separate from the police investigation, the university is required to investigate alleged sexual assaults under federal Title IX rules to determine whether a suspect violated university policy on sexual misconduct.

These Title IX hearings have been controversial, with some alleging in court that universities under federal pressure to take a heavy-handed approach to sexual violence tip the scales in favor of the accuser.

Miami University is one of several Ohio schools sued by students claiming their discipline was too harsh. At the same time, Miami is being sued by a student claiming the school under-responded to sexual assault.

Mary saw his testimony as part of the Title IX process. She had a panic attack.

"Obviously I knew he was going to lie, but it just upset me that he threw it all on me," she said.

They allowed her to Skype into the hearing because she was terrified of being in the same room as him. The hearing was held about two weeks after her report.

"I really feel like the university handled it really well," she said, noting that they offered other resources and support.

The hearing board found that he violated the university's sexual misconduct policy. He was suspended through mid-August 2017.

"People have gotten in more trouble for academic dishonesty than for sexual assault," she said. "If you get caught cheating or copying papers, you'll get expelled from school."

The Title IX process involves both parties filling out written statements and answering questions from a university hearing board of two faculty and one staff member.

Title IX disciplinary hearings rarely result in serious consequences. There were 68 on-campus sexual assaults reported through Clery in 2014 at five

schools — Ohio State, Miami, Wright State, the University of Cincinnati and Central State. There were 16 suspensions or expulsions.

Findings are based on a "preponderance of evidence," meaning it's more likely than not that an offense occurred. This is a lower standard than criminal conviction, but a higher standard than probable cause, which is enough to arrest someone.

The police investigation in Mary's case went nowhere.

Police records show they met with Assistant Butler County Prosecutor Mike Hon on Dec. 2.

"We went over the report and case file. There is not enough probable cause to file criminal charges against the suspect," the report says.

"Based on the above information, this report is being closed pending further developments."

"I don't understand that," Mary told this newspaper.

"It's just kind of invalidating for the survivor that they won't even take a good look at it and pursue it when the school found him responsible," she said. "I think it's a really good thing the university has a process or else nothing would happen to these people that assault others."

Butler County Prosecutor Mike Gmoser said he couldn't talk about specific cases, but said he aggressively pursues sexual assault cases he thinks he can win in court.

He said the university disciplinary process "is of no consequence to me, it doesn't support or diminish the outcome of a case."

"I'm given credit for knowing what's provable, and after 43 years of doing this on both sides of the fence, I think I have a pretty good sense of what's provable and what's not," he said.

"I'm not the final arbiter on whether or not a case is filed. I give advice on whether it's the right thing to do at that time," he said. "(I tell police) if you want it to go to the grand jury, even though I'm telling you as your legal adviser in this case it's a bad idea, go ahead and arrest him."

The largest obstacle in many of these cases, Gmoser said, is alcohol.

Most of the victims of sexual assault in the cases reviewed were intoxicated, many to the point they lost consciousness or lacked the ability to fight back. Several only knew they were assaulted because they woke up missing clothes, or because a witness told them about it.

"Being drunk does not lend itself to establishing facts very well," Gmoser said. "It doesn't excuse or justify a rape, but it can make an investigation a little more difficult."

Mary watched the Brock Turner controversy play out with mixed emotions, including sharing the disgust of many with the sentence and support for Turner provided by his family and even school and court officials in Oakwood.

"The light at the end of this dark tunnel, however, would be the massive amount of public support Turner's victim has been receiving," she said. "It's nice to see people aren't blaming her for being drunk, but instead are holding Turner accountable for his actions. I wish more sexual assault cases would go to trial. Looking back, I wish mine had."

"I don't think rapists should get away with their actions and that victims should get the justice they deserve."

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