

Stabile, one of the many critics of using a journal in these cases, calls it reducing “sexual assault to some creepy assignment” and asks, “Who reads them? Who decides if it worked?” She adds that she imagines hearing the perpetrators laughing about it and saying to one another, “I had to write some corny essay.”

Brown says that the work is taken seriously and shows that the student has learned from the assignment. She says the UO no longer uses a journal as an activity for those found responsible for sexual misconduct.

“I’ve given them so many opportunities to right what they did to me,” Hanson says of her struggle to get the UO to deal with her case. “I’m having to fight an uphill battle just to get truth and respect.”

IN AUGUST OF 2014, Laura Hanson filed an intent to assert claims against the UO under Title IX stemming from the January 2013 incident. According to the settlement, signed by Hanson and UO Interim General Counsel Douglas Park, Hanson alleges, and the school acknowledges, a delay in initiation of student conduct proceedings. The settlement was for \$30,000, the same amount Hanson says another rape survivor she knows in Colorado settled for — that going rate for rape.

Jennifer Middleton says that while she was speaking to the UO’s outside counsel on the case, the other attorney “informed me she had a copy of Laura’s records.” Middleton thought she had all Hanson’s counseling center records but, “the UO told me they had the records, that surprised me,” she says, “both because I thought I had the records, and because she had them.”

For Middleton to get the records, Hanson had to sign a FERPA (Family Educational Rights and Privacy Act) release, but the UO got those records without asking Hanson for a release.

This is the second time the UO seems to have simply taken a student’s counseling records, leading to the question of whether the school has a pattern and practice of doing so in these cases. The first known incident was that of the basketball rape survivor, and when that was made public, in addition to the UO’s decision to countersue the survivor, the backlash was intense, locally and across the country.

Middleton says that even in the context of a lawsuit, the normal route by which the school would have gotten the records would be to formally ask, and the plaintiff’s lawyer would have a chance to say what’s relevant and ask a judge to redact certain items.

She says how UO got Hanson’s records is “not identical” to the basketball case, “but to the extent the UO claims when there’s some sort of legal action, they are entitled to help themselves, it’s similar in that way.”

Middleton says, “There are a lot of detailed and not entirely clear exceptions to FERPA” that the UO is drawing upon in accessing the counseling records.

UO spokeswoman Brown responds that “confidential counseling records would never be accessed by any UO personnel, unless it was (1) lawful for the employee to access the records, and (2) necessary to access the records in order for the employee to do his or her job.”

Jennifer Morlok, a UO counseling center senior staff therapist, filed complaints earlier this year about the alleged mishandling of the counseling records, *The Oregonian* reported. Holmes, who is a former director of the counseling center, and three other UO employees are under investigation by the Oregon Board of Psychologist Examiners for allegedly mishandling the basketball rape survivor’s counseling records. When asked for the status of the complaints, Charles Hill, the board’s executive director, tells *EW* the board “may not respond to questions that ask the board to confirm or deny the existence of an investigation, or to respond to any related specific questions.”

Kateri Walsh of the Oregon State Bar says it is doing an initial screening to determine if a complaint against UO attorneys Douglas Park and Samantha Hill over the records should be forwarded to Disciplinary Counsel’s Office for more formal investigation.

On May 26, Jen Gomez, a UO doctoral candidate in clinical psychology, also sent a letter to Oregon’s Board of Psychologist Examiners saying that in addition to specific

codes of conduct, the UO psychologists “violated all five ethical principles that govern the psychology profession” and asked the matter be dealt with.

HANSON IS USING THE MONEY from the settlement to pay for the extra year of school that she needed after the assault. She also had to pay off those fines from her sorority because she stopped attending events out of fear she would run into the man she says assaulted her while she was unconscious.

But now Hanson has gone from almost dropping out of school in the wake of the sexual assault, to speaking out, to contacting and interviewing other survivors and turning her desire for change into an honors thesis and writing a book on sexual assault on U.S. college campuses.

Hanson is clear — she didn’t settle with the UO out of fear or because she didn’t think she could win a case. She settled because she wants “to help survivors in a better way,” and she hopes to do that with her nearly completed book manuscript for which she has an agent.

No rape case is the same, but across time and space, many of them have similarities — the institutional betrayal survivors experience, the fact that year after year the patterns continue and that schools put the needs of sports teams and Greek life above those who have been assaulted.

After the basketball rape scandal at the UO made headlines last year, Kelly Goodman told *EW* that she was raped



in 2001 by a UO football player who went on to play in the NFL while her “life got shoved back six or seven years.” Goodman did report to the police but the district attorney did not file charges. As in so many other cases, Goodman says she was pressured not to report and victim-blamed.

In 1998 a woman named Brenda Tracy alleged she was gang-raped by four men, two of them Oregon State football players, at a Corvallis apartment. She filed charges, but dropped them because like Hanson, she was told it would be a “he-said, she-said” case. She wasn’t told the men had confessed.

Though she wasn’t a student, she later turned to OSU “wanting to have some sort of justice” and because “I wanted to make sure no one else was hurt by them.” The players got a one-game suspension and community service hours. Tracy then retreated to a life of shame and says she pretended it never happened.

OSU has since apologized to Tracy, and, like Hanson, she is taking action to change the system in Oregon that has allowed the assaults to continue.

Tracy recently came to the UO campus at the invitation of the school’s Intercollegiate Athletics Committee to talk about her experience and what she is doing to affect change.

“It’s sad to me because this is still happening today,” Tracy says. She says schools worry more about their reputations and donors than they do about victims.

The UO has examined the recommendations of both the Senate Task Force as well as that of the Presidential Review Panel on the school’s response to sexual misconduct and according to a long list of more than 20 recommendations, the school has either accepted, is already doing or has com-

pleted the recommendations.

The last one, “ensure prompt responses” is marked as “existing practice.”

Stabile acknowledges the UO seems to be attempting to make changes, such as posting sanctions against fraternities and sororities online, but she says, more than six months after the Senate Task Force made its recommendations they remain “stuck in some administrative limbo.”

Will the school accept the advice of survivors such as Tracy and Hanson on how to best aid rape survivors and change its broken system? Brown says, “The university is exploring all aspects of sexual violence prevention and response education for campus, including bystander intervention, firsthand experiences and others.”

Portland attorney Jackie Swanson has been working with Brenda Tracy on her case and getting the statute of limitations on sexual assaults in Oregon changed from six years — one of the lowest in the nation — to 12. She says she has talked to Sen. Jeff Merkley and Rep. Suzanne Bonamici and set up times with Sen. Ron Wyden to talk about amending laws relating to sexual violence on campus on the federal level.

Swanson explains that FERPA defines counseling records as educational records, and unlike HIPAA (the Health Insurance Portability and Accountability Act), FERPA is like “cheese cloth” when it comes to protecting student privacy.

“That’s really the crux of the issue,” she says. “The law should be changed and students entitled to the confidentiality of their records.”

She says she is also looking into the Jeanne Clery Act, a federal law that, like Title IX, applies to schools getting federal funding. Clery requires reports of alleged crimes on and around campus to be made and sent out but its boundaries are limited.

“I think the main thing we are looking at is expanding the perimeters,” Swanson says, “who the Clery Act applies to and expanding out to more of a mile radius around the school.”

Title IX is “a wonderful law in a lot of ways, but there are flaws in its enforcement,” Swanson says.

Tracy is also working to pass several bills dealing with campus sexual assault in the Oregon Legislature this session: In addition to HB 2317, which would extend the statute of limitations and thus affect non-campus-related sexual assaults, another bill, SB 759, would require that universities provide easy-to-read, written information to sexual assault victims regarding their rights.

And on May 26, the Oregon Senate passed HB 3476, which would allow counselors, therapists and other victim’s advocates to bypass mandatory reporting requirements under Title IX if a student doesn’t want to take immediate formal action. It would also prevent a university like the UO from accessing a student’s therapy records unless a student was suing the school about the therapy or counseling he or she received. The bill passed in the House in April and now awaits Gov. Kate Brown’s signature.

Annie Clark, a rape survivor and activist who appears in the acclaimed documentary on campus rape, *The Hunting Ground*, came to Oregon in May to speak in favor of extending the statute of limitations on rape cases. She says documentaries and books, such as the one Hanson is writing, as well as media attention are bringing sexual assault to cultural attention, but “the trend is still to being very reactive on college campuses.” She says schools aren’t doing anything until there’s a lawsuit, and adds, “We’ve yet to see a college step up and be a leader.”

Hanson’s case might be settled, but her goals to change the UO’s patterns of dealing with survivors are ongoing. As part of her settlement, Hanson came back to Eugene and met with Holmes and Daugherty, hoping for answers and some closure.

Afterward Hanson called the meeting “completely disrespectful.”

After everything that had happened, she says the women didn’t care enough to look up her case, or even know she had graduated. She says the school has not contacted her about her offer to help it in its dealing with survivors. “It’s not their fault I was raped,” she says of the school, but “the UO as a place doesn’t care.” ■