

Colleges face legal backlash from men accused of sex crimes

Two suspended Oregon basketball players sue for \$10M each

By MICHELLE R. SMITH
Associated Press

After years of complaints that they weren't taking sexual assault reports seriously, colleges are finally doing so — and finding themselves slammed with lawsuits from men who say they were unfairly suspended or otherwise punished.

The schools are feeling caught in the middle.

"We're trying to walk the razor's edge between being more attentive to the issue but still being fair to all our students," said Dana Scaduto, general counsel at Dickinson College in Carlisle, Pennsylvania, who has testified before Congress on the issue.

At least 75 men have sued their schools since 2013, complaining largely of reverse discrimination and unfair disciplinary proceedings. Most were never charged with a crime because the accuser didn't go to police or authorities decided there wasn't enough evidence.

This month, former Yale University basketball player Jack Montague said he planned to sue after he was expelled over a sexual assault allegation, and two Univer-

sity of Oregon basketball players suspended over 2014 rape accusations sued for \$10 million each after prosecutors declined to bring charges.

A federal judge in Rhode Island last month allowed a case to move forward by a Brown University student suspended for 2 1/2 years over a sexual assault accusation.

The get-tough approach by colleges is attributed largely to a 2011 letter from the U.S. Department of Education's Office for Civil Rights. The letter told schools they must promptly investigate allegations of sexual assault and harassment, even if the accuser does not make a complaint to the institution.

It instructed schools to rely on the preponderance-of-evidence standard used in civil cases, instead of the beyond-a-reasonable-doubt standard employed in criminal trials. That means a student can be disciplined if the college finds it more likely than not that an assault occurred.

Schools that do not comply can face an investigation and a cutoff of federal money. As of mid-March, the Office for Civil Rights was conducting 219 such investigations at

173 schools.

Known as the "Dear Colleague Letter," it has been hailed by advocates who say many schools are now moving in the right direction to address campus sexual assaults.

"For a very long time, there was no due process for victims. Victims were told to withdraw from school. Victims were told to take the semester off," said Colby Bruno of the nonprofit Victim Rights Law Center. Now, "yes, there are more decisions against perpetrators. Yes, perpetrators are being held accountable. And that is going to bother people."

Advocates for the accused say that school disciplinary panels are unequipped to handle such serious allegations and that colleges have gone so far to accommodate alleged victims that they are trampling on the rights of the accused.

Under the federal guidance, when a school learns of allegations of sexual assault or harassment, it must take immediate steps to ensure the victim's learning environment is free of hostility.

The accused can be removed from a class, dorm

or campus even before a disciplinary hearing is held so that the accuser does not have to cross paths with her alleged attacker. Disciplinary proceedings can take months, meaning the accused can miss a year of school before the case is decided.

Advocates for both accusers and the accused say college disciplinary processes are often vague and applied inconsistently. Some schools have a single investigator; others have a panel with faculty members. Some include students. Some allow lawyers, others don't.

Some critics have said that universities should not be handling such cases at all and that sex crimes should instead be reported to police.

But victims' advocates and many schools oppose that, saying it would discourage women from coming forward. Also, police investigations can take months, and prosecutions longer, meaning some cases might not be resolved before graduation.

Andrew Miltenberg, who represents the Brown student and close to 100 other male students accused of campus sexual assaults, said schools have become "hyper-aggressive" since the Dear

Colleague Letter.

A common thread in his cases, Miltenberg said, is that they had some element of a consensual encounter, in which the two were dating or knew each other. Alcohol is often involved, sometimes a year or more has elapsed, and there are rarely witnesses.

"Part of the problem is they're redefining what consent means," he said. "Now all of that adds up to more cases, more allegations and more hearings, and this is where the schools are in a tough spot and can and should be doing better."

Such accusations can brand a student for life or put his education on hold for years, Miltenberg said.

"I even have Ivy league students who've been suspended who can't get into a local community college during their suspension," he said.

Miltenberg represents Paul Nungesser, who sued Columbia University, saying it violated his rights when it allowed fellow student Emma Sulkowicz to obtain class credit for her "Mattress Project," in which she carried around the mattress on which she said he raped her. Nungesser denied the accusation and was found

not responsible by the school disciplinary process.

Nungesser said in his lawsuit that he was branded a "serial rapist" and forced to return to his native Germany because he couldn't get a job in the U.S. A judge this month dismissed the lawsuit but said Nungesser may refile some claims.

Sulkowicz went to police with her allegation against Nungesser, but they did not bring charges. She has said the campus disciplinary process was badly mishandled.

In a 2014 essay in Time magazine titled "My Rapist Is Still on Campus," she wrote of crying and hyperventilating when she learned he had asked permission to work in the darkroom during a photography class she was taking.

"As long as he's on campus with me, he can continue to harass me," she wrote.

Scaduto, of Dickinson College, questioned whether colleges are equipped to handle such matters.

"I don't want to step away from the issues," she said, "but I don't know that we have the training the skill the resources to do it in-house anymore."

BRIEFLY

Water supply improved for Owyhee farms

ONTARIO (AP) — Farms that rely on water from the Owyhee Reservoir will be getting a larger allotment this year.

The *Capital Press* reports that the Owyhee Irrigation District board of directors has set the 2016 allotment at 3 acre-feet for now, and the amount is expected to increase as water from the snowpack flows into the reservoir.

Even if stays at 3 acre-feet, that's a big increase over the past two years. Because of drought, irrigators only got 1.7 acre-feet last year and 1.6 acre-feet in 2014.

The reservoir provides irrigation water for 1,800 farms and 118,000 acres in Malheur County in Eastern Oregon and around Homedale and Marsing in southwestern Idaho.

Sanders announces Friday rally in Portland

PORTLAND (AP) — Democratic presidential candidate Bernie Sanders is coming to Portland at the end of the week.

The Vermont senator's campaign

announced on Wednesday that he will hold a rally in Portland on Friday at the Moda Center, home of the Portland Trail Blazers.

Sanders has campaigned in Washington state and Idaho during the past week.

Last Saturday he drew a crowd of about 7,500 at a rally across the river in Vancouver, Washington.

Sanders' Democratic rival, Hillary Clinton, and her husband Bill have been campaigning in the region ahead of Saturday's caucuses in Washington state. Bill Clinton stopped in Portland for a surprise visit on Monday.

Sanders is popular in the Northwest. He packed the Moda Center during a rally there last August.

Production of illegal marijuana drops in Washington

YAKIMA, Wash. (AP) — A new report says the production of illegal marijuana has dropped dramatically in recent years in Washington state.

The U.S. Drug Enforcement Administration says the number of marijuana plants seized in Washington state in 2014 was 57,000 — about 80 percent less than what was seized in 2010.

Over that same period, the amount of processed marijuana seized dropped from 3,126 pounds of product to 635 pounds, less than a quarter of what agencies had found five years ago.

The *Yakima Herald-Republic* says the Washington State Patrol attributes the drop to increased air reconnaissance and joint cooperation between state, local and federal law enforcement.

California consistently leads the nation in illegal marijuana production, with more than 2.6 million plants seized in 2014.

Rescuers searching for skipper of capsized Ore. fishing boat

COOS BAY (AP) — A boat returning to port with a load of fish overturned, and rescuers were searching for the missing skipper.

Coast Guard spokeswoman Rachel Steiner said the Patty AJ capsized Wednesday while making a turn in the channel of Coos Bay. Three of the four people aboard the vessel reached safety while a Coast Guard helicopter, two boats and a dive squad scrambled to find the captain.

Ronald Silva owns and usually skips the Patty AJ. On Wednesday, however, he turned it over to someone else.

Silva told *The World* newspaper of Coos Bay that the man usually skips another boat: "But it went crabbing today and he doesn't like crabbing, so he decided to help us out."

The Bandon and Airport Dive Team finished their search of the Patty AJ late in the morning. Diver Bob Hood said the boat was on its side and completely flooded.

"The cabin door was shut but not locked," Hood said. "I was able to open it and get partly inside, but it was flooded too."

He looked through the windows for any air pockets but couldn't find any. He spent 15 minutes searching for any way into the vessel, but there was too much entanglement with nets and ropes to get in.

Corrections

The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

EAST OREGONIAN

— Founded Oct. 16, 1875 —

211 S.E. Byers Ave., Pendleton 541-276-2211
333 E. Main St., Hermiston 541-567-6211
Office hours: Monday through Friday, 8 a.m. to 5 p.m.
Closed major holidays

www.eastoregonian.com

To subscribe, call 1-800-522-0255
or go online to www.eastoregonian.com
and click on 'Subscribe'

East Oregonian (USPS 164-980) is published daily except Sunday, Monday and Dec. 25, by the EO Media Group, 211 S.E. Byers Ave., Pendleton, OR 97801. Periodicals postage paid at Pendleton, OR. Postmaster: send address changes to East Oregonian, 211 S.E. Byers Ave., Pendleton, OR 97801.
Copyright © 2016, EO Media Group

Subscriber services:
For home delivery, vacation stops or delivery concerns: 1-800-522-0255

Didn't receive your paper? Call 1-800-522-0255 before noon Tuesday through Friday or before 10 a.m. Saturday for same-day redelivery

SUBSCRIPTION RATES

	Local home delivery	Savings off cover price
EZPay	\$14.50	41 percent
52 weeks	\$173.67	41 percent
26 weeks	\$91.86	38 percent
13 weeks	\$47.77	36 percent

*EZ Pay = one-year rate with a monthly credit or debit card/check charge

Single copy price:
\$1 Tuesday through Friday, \$1.50 Saturday

ADVERTISING

Advertising Director: Jennine Perkinson
541-278-2683 • jperkinson@eastoregonian.com

Multimedia consultants

- Terri Briggs
541-215-0447 • tbriggs@eastoregonian.com
- Jeanne Jewett
541-364-4531 • jjewett@eastoregonian.com
- Stephanie Newsom
541-278-2687 • snewsom@eastoregonian.com
- Dayle Stinson
541-966-0806 • dstinson@eastoregonian.com

Classified Advertising:

1-800-962-2819 • classifieds@eastoregonian.com

Legal Advertising: Amanda Jacobs

541-278-2683 • ajacobs@eastoregonian.com

Real Estate Advertising: Jodi Snook

541-278-2670 • jnook@eastoregonian.com

NEWS

To submit news tips and press releases: • call 541-966-0818 • fax 541-276-8314 • email news@eastoregonian.com

To submit community events, calendar items and Your EO News: email community@eastoregonian.com or call Tammy Malgesini in Hermiston at 541-564-4539 or Renee Struthers in Pendleton at 541-966-0818.

To submit engagements, weddings and anniversaries: email rsturthers@eastoregonian.com or visit www.eastoregonian.com/community/announcements

To submit a Letter to the Editor: mail to Managing Editor Daniel Wattenburger, 211 S.E. Byers Ave., Pendleton, OR 97801 or email editor@eastoregonian.com.

To submit sports or outdoors information or tips: 541-966-0838 • sports@eastoregonian.com

COMMERCIAL PRINTING

Production Manager: Mike Jensen
541-215-0824 • mjensen@eastoregonian.com

AccuWeather.com Forecast

TODAY

Breezy with clouds and sun

FRIDAY

A bit of morning snow

SATURDAY

Mostly sunny

SUNDAY

Mostly cloudy with a shower

MONDAY

Partly sunny, a shower; cool

PENDLETON TEMPERATURE FORECAST				
52°	38°	52°	30°	56°
38°	30°	38°	52°	35°
51°	32°			

HERMISTON TEMPERATURE FORECAST				
57°	41°	58°	31°	60°
41°	31°	36°	57°	38°
57°	34°			

ALMANAC

PENDLETON
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	57°	38°
Normals	57°	37°
Records	74° (1960)	20° (1904)

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 1.39"
Normal month to date 1.02"
Year to date 3.76"
Last year to date 2.35"
Normal year to date 3.57"

HERMISTON
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	59°	42°
Normals	60°	36°
Records	79° (1940)	19° (2013)

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 1.21"
Normal month to date 0.69"
Year to date 2.70"
Last year to date 1.30"
Normal year to date 2.96"

SUN AND MOON

	Last	New	First	Full
Sunrise today		6:50 a.m.		
Sunset tonight		7:13 p.m.		
Moonrise today		8:39 p.m.		
Moonset today		7:31 a.m.		

Coastal Oregon: Mostly cloudy today; periods of rain across the north. A little rain tonight.

Eastern and Central Oregon: Clouds and sunshine today with a shower, except dry near the Cascades.

Western Washington: Mostly cloudy today with a brief shower or two. A touch of rain tonight.

Eastern Washington: Some sun today; showers around across the south, near the Idaho border and in the mountains.

Cascades: A bit of snow in central parts today; a bit of morning snow, then a little rain across the north. A shower in the south.

Northern California: Partial sunshine today. Mainly clear tonight. Partly sunny tomorrow.

REGIONAL CITIES

	Today			Fri.		
	Hi	Lo	W	Hi	Lo	W
Astoria	52	42	r	52	40	c
Baker City	48	31	pc	45	20	sn
Bend	49	27	c	45	23	c
Brookings	56	41	c	56	43	pc
Burns	51	28	pc	45	22	sn
Enterprise	43	30	pc	40	21	s
Eugene	55	40	c	56	36	c
Heppner	50	35	pc	50	29	sn
Hermiston	57	41	pc	58	31	sh
John Day	49	33	pc	45	29	sn
Klamath Falls	54	26	c	51	25	pc
La Grande	47	34	pc	46	28	sn
Meacham	43	32	pc	43	21	sn
Medford	61	37	c	59	34	pc
Newport	52	44	sh	52	42	sh
North Bend	55	42	c	55	42	c
Ontario	57	37	c	53	29	sn
Pasco	58	41	pc	60	33	pc
Pendleton	52	38	pc	52	30	sn
Portland	54	44	sh	55	39	sh
Redmond	50	28	c	48	22	sn
Salem	52	43	c	56	38	c
Spokane	50	34	pc	51	32	pc
Ukiah	45	30	pc	44	25	sn
Vancouver	53	44	sh	54	39	sh
Walla Walla	51	39	pc	53	33	sh
Yakima	59	34	pc	61	31	pc

WORLD CITIES

	Today			Fri.		
	Hi	Lo	W	Hi	Lo	W
Beijing	58	31	s	59	34	s
Hong Kong	62	53	sh	58	55	r
Jerusalem	78	55	pc	76	61	pc
London	53	45	r	57	44	pc
Mexico City	79	50	pc	80	53	pc
Moscow	29	21	sn	33	26	s
Paris	52	43	c	54	42	r
Rome	60	40	sh	60	47	s
Seoul	53	31	pc	52	32	s
Sydney	79	63	pc	78	65	pc
Tokyo	48	41	r	51	41	pc

WINDS

(in mph)	Today	Friday
Boardman	WSW 12-25	WNW 6-12
Pendleton	WSW 12-25	W 7-14

UV INDEX TODAY

0

2

4

4

2

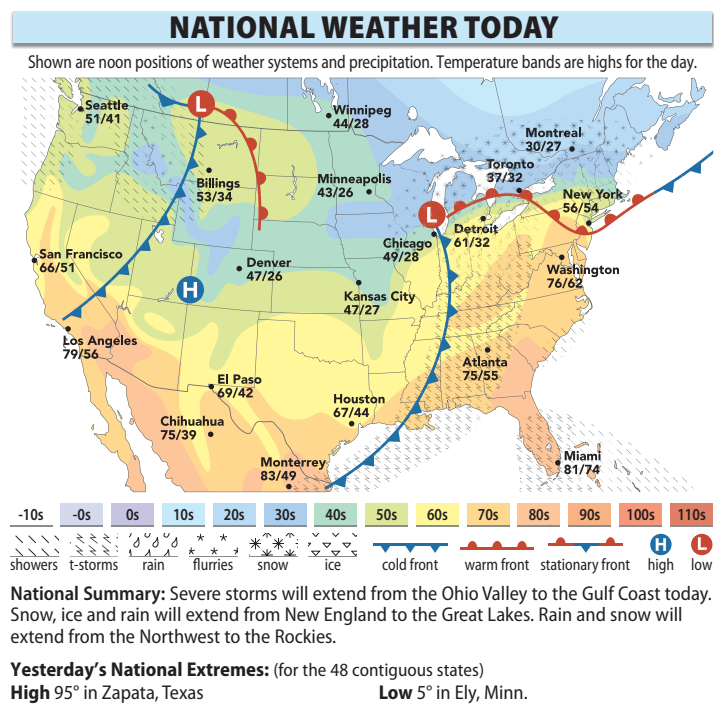
0

8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.

0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

Forecasts and graphics provided by AccuWeather, Inc. © 2016



NATIONAL CITIES

	Today			Fri.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	63	34	s	68	38	s
Atlanta	75	55	t	69	47	s
Baltimore	65	55	pc	65	43	sh
Birmingham	74	60	s	71	40	pc
Boston	53	34	c	42	23	sn
Chicago	70	46	t	68	42	s
Cincinnati	54	36	c	49	29	sn
Cleveland	43	40	sh	62		