

Pumphrey Law Firm Scholarship Essay  
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Prompt: *Should defendants of University Title IX accusations be entitled to a more-fair process with the University? How can stories like this lead to Universities handling accusations of Sexual Assault differently?*

When debating issues related to sexual assault in America, the topic #MeToo is often discussed. This hashtag, coined by Tarana Burke, was used to as a phrase of empowerment for



women who were victims of sexual assault. Eventually, this sparked a movement for all who fell under the force of sexual assault to come forward with their stories with the intent to inspire others. As this movement continued to grow and

gain more popularity, many began to suspect that its intentions were no longer aimed at protecting those who suffered from abuse, but to target men with little consequence. Although this movement has saved many lives and created a system of confidence for many who were sexually assaulted, it has also led to some social drawbacks.

A University of California graduate saw the side effects of this movement when it came to his accusation of sexual harassment. This student dated a female student who then accused him of sexual harassment, to his surprise, with a Title IX complaint in 2017. Due to the stigmas surrounding sexual assault, he was unfairly stripped of due process and was suspended for two years in June 2017, reducing the sanction to three months on appeal. He then later decided to fight this issue, filing a class-action lawsuit, because of his unfair judgement. University of California later decided to modify their judgement system in order to give the defendants of sexual assault cases a fair trial.

A question that may come to mind is if people like this man even deserve a more fair trial? After all, the accusations made against him are atrocious, and contesting the integrity of an accuser could be seen as discrimination.



However, people who have been accused of crimes like this - or any crime - should be granted a fair investigation. If we refer to the 14th Amendment of the U.S. Constitution, it states that all citizens should have a fair due process. Why should universities not be required to follow this policy?

This brings up another issue mentioned within the article about the disciplinary procedures of universities. Suzanne Taylor, UC's systemwide Title IX coordinator, mentioned that "university disciplinary procedures are very different from criminal charges and trials, where consequences can be far more severe." If the stakes are higher within universities, and there are less "rights" for defendants of sexual assault, why would accusers not accuse people of sexual assault with the intent to ruin their career? In order to prevent false anecdotes from taking precedence over true occurrences, investigations in universities of sexual assault should mimic those in a criminal court setting.

Additionally, students who are charged with sexual assault typically do not have their race documented - however, Janet Halley, a professor at Harvard Law School and a self-described feminist, is one of the few people who have publicly addressed the role of race in



campus sexual assault. It is not a secret that race was a factor used to automatically incriminate someone, especially in cases that involved minority races against White Americans. In 2015, in

The New Yorker, Jeannie Suk Gersen, a Harvard Law School professor, wrote that in general, the administrators and faculty members she had spoken with who “routinely work on sexual-misconduct cases” said that “most of the complaints they see are against minorities.” In a predominantly White American university, this could be seen as questionable. If we take that low-income students are often African American, this could explain why thousands of sexual assault cases are left unappealed. By removing due process of law from college students, this puts African Americans at a disadvantage. One person’s rights should not be unfairly usurped from the rights of another.

With the changes that the University of California made to its system, many students will have the opportunity to fight for their rights. If other universities take head of what this school

has changed, then maybe their students will not have to be affected by the accusations made by one person with minimal evidence. For example, colleges may take cases of sexual assault more seriously for both the defendant and victim. UC is implementing a system that minimizes bias within a ruling, such as having one investigator look for evidence for the trial and another come to a conclusion, and other universities should do the same.



Will this system mock the efforts made by the #MeToo movement? Of course not. In fact, the movement will have more respect and reliability if well in-depth investigations are made before coming to a conclusion. After Harvey Weinstein was investigated for his crimes and sentenced to prison, many saw the #MeToo movement as a method to hold corrupt individuals accountable for their actions. If this is translated into a college setting, the judgments of a university will be more reliable.



So before costing a student everything he or she has worked for based on the claims made by another, consider looking deep into what is the truth. Fair investigations should be given to all, and the future of our society relies on the equal treatment for all individuals.

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