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Sex Assault Victims Can Speak Out On Campus

By Amy Argetsinger, *Washington Post* Staff Writer

When Kate Dieringer learned that the fellow student whom she had accused of raping her in her first month at Georgetown University would be suspended from the college for a year rather than expelled, she was outraged.

"I wanted to tell everyone," she said.

Yet she couldn't: In order to learn the results of the young man's campus disciplinary hearings in the spring of 2002, she had signed a form promising not to share them with anyone, except for her parents and one close adviser.

Such confidentiality pledges have been standard on many college campuses, and administrators have generally argued that they are necessary to maintain the federally mandated privacy shrouding most student records.

But in response to a complaint filed by Dieringer, the U.S. Department of Education told Georgetown this week that its policy violates a federal campus crime law. Campus safety watchdogs are hailing the order as a major victory for sexual assault victims at colleges nationwide.

The decision could encourage victims to shine a light into the often secretive workings of collegiate disciplinary systems – and even warn fellow students about their alleged attackers, said S. Daniel Carter, senior vice president of Security on Campus Inc., a nonprofit group that monitors campus crime and judicial programs.

"Colleges can no longer silence campus rape victims," he said. Asked if the decision would prompt victims to publicize details of accused students' punishments in campus media, Carter responded, "That is certainly what we hope."

Others in higher education played down the significance and expressed concern about airing the results of disciplinary cases. In sharing the outcome of campus hearings with victims, "the desire here is to help an individual through a difficult time," said Sheldon E. Steinbach, vice president and general counsel for the American Council on Education.

“It is not designed as a hook for future litigation, nor for pillorying an individual,” he said.

The Department of Education’s order apparently applies only to cases involving sexual assault, as governed by a 1992 law known as the Campus Sexual Assault Victims’ Bill of Rights, which requires that victims receive information about disciplinary proceedings without any conditions or limitations.

The systems in place on most college campuses to handle matters ranging from drinking violations to cheating to assault are a perennial source of controversy, with both victims and the accused often complaining they are not treated fairly.

The particulars of those cases are often hard to assess, though, because most colleges conduct such actions under the veil of confidentiality. College officials say the secrecy -- including the nondisclosure agreements – is rooted in their view that such proceedings are part of the students’ education and therefore protected under the federal Family Educational Rights and Privacy Act.

While there is nothing to prevent a student who is assaulted by a classmate from pursuing charges publicly through the criminal justice system – regardless of whether the student also files a complaint on campus – many choose to seek action only through the confidential college disciplinary channels.

That was the route chosen by Dieringer, seven months after she alleges she was assaulted by an older student in September 2001. She said the man separated her from friends and pulled her into his apartment after a night of heavy drinking.

Dieringer also alleged that the man, who was at the time serving as an official adviser for new students, might have drugged her.

According to documents from the Department of Education, a Georgetown hearing board – composed of students and faculty – determined that Dieringer’s account was credible and decided to punish the student with expulsion. However, the man appealed his case, and an appeals board reduced his sanction to a one-year suspension.

Dieringer, a 21-year-old senior from Bridgeport, W.Va., said she felt the reduced punishment represented a failure of Georgetown’s disciplinary process. “Obviously, the system was faulty and needed fixing,” she said in an interview.

In an unrelated investigation prompted by a separate complaint from Dieringer, the Department of Education this spring determined that Georgetown’s investigation and hearing did not reflect any discrimination against Dieringer or violate her rights.

But Dieringer, who still believes she was wronged by the process, complains that she was stymied from mounting a public critique of Georgetown’s system because the

nondisclosure agreement prohibited her from sharing details of the hearings or their outcome.

Todd A. Olson, Georgetown's vice president for student affairs, said the university was using the nondisclosure agreements to try to uphold its students' rights to privacy. He said the school will change its policy to reflect the Department of Education's order.

"It involves a difficult balancing act between accountability and confidentiality, and we'll continue to walk that line as carefully as we can," Olson said.

Others see more sinister intent behind colleges' confidentiality policies. Bill Shaw of Shaker Heights, Ohio, said his 19-year-old daughter was compelled to sign such an agreement after being assaulted in April at a party at Bates College in Maine.

"The whole thing is an attempt to keep things quiet, to put her under duress," he said. Bates officials declined to comment.

Yet some in higher education say they don't believe the Georgetown order will prove a watershed for student victims. Most students involved in such cases don't want to publicize them, said Gary Pavela, director of judicial programs at the University of Maryland, which has not required nondisclosure agreements. And students who want to publicize their cases were probably never deterred in the first place, he said.

"People who have a strong interest in the outcomes will go to the media," Pavela said, "and will not be deterred by some piece of paper."

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