An FAU student says quarterback Chris Robison raped her. She felt guilty for it, so she told police it never happened — then told FAU it did. A lawyer says FAU was right in clearing Robison, but how they told her about their decisions might’ve violated a federal law.
WHAT HAPPENED TO CASE NO. 18-0925?

Everyone’s excited about the first home football game, but I’m still torn up about what happened during the off-season. A woman alleged quarterback Chris Robison raped her, then FAU decided it didn’t happen. After that, it seems like everyone let it go, except for the woman who filed FAUPD Case No. 18-0925.

By CAMEREN BOATNER

Sarah recanted her statements to the police and said the whole incident was consensual — but told me it was because Robison cried to her in a car and pressured her to stay quiet.

She said she didn’t want to ruin his life, so she went along with it. She said she lied to the police, but she pursued an investigation into the sexual battery allegations with FAU. But what she said was that the process of investigating at FAU served as a constant reminder of her alleged rape and made her suicidal at one point.

We aren’t reporting on this to give more publicity to a case where a football player was cleared of allegations of sexual battery. We’re doing this because a Title IX lawyer says FAU could have been more transparent with Sarah’s options from the beginning and violated a federal crime reporting law. Also, the NCAA lacks a policy punishing athletes who commit sexual assault.

The UP spoke with the Title IX lawyer about how FAU handled Sarah’s case, and she said the outcome — Robison was cleared — was valid. However, she said FAU violated a federal law when they told Sarah about their decision (see page 8).

W

HEN an FAU senior told police quarterback Chris Robison didn’t rape her last December, and that they actually had consensual sex, the case was closed. Robison was cleared and took the field. Life moved on — for everyone but the woman who first claimed rape and then recanted.

One question I’m sure to be asked is this: Why are you dedicating an entire issue of your newspaper to a rape that at one point she said never happened?

My answer is as complicated as this case. I can’t say a rape happened, but the process of investigating led to a downward spiral for one woman.

Robison wouldn’t speak to me, and his lawyer deflected all my questions, but I spent hours upon hours with the woman who filed the report. We’ll call her Sarah to protect her identity.

PHOTO BY ALEX LICIO

PHOTO BY ALEX LISCIO

W

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Robison wouldn’t speak to me, and his lawyer deflected all my questions, but I spent hours upon hours with the woman who filed the report. We’ll call her Sarah to protect her identity.
COMPLICATED STORY, CONFUSING TERMS

Some of the terms in this special issue are as confusing as the case it’s based on. Reference back to this guide if you come across a phrase you might not be familiar with.

SEXUAL BATTERY, RAPE, SEXUAL ASSAULT

These three terms are interchangeable in the state of Florida. Sexual battery is what the perpetrator is charged with. Along with rape and sexual assault, sexual battery is the oral, vaginal or anal penetration without consent by the sexual organ or object of another person. (Every state defines these differently and uses different legal terms.)

CONSENT

Intelligent, knowing, and voluntary consent that doesn’t include coerced submission. For sex to be nonconsensual in Florida, the victim doesn’t have to physically resist the offender.

RAPE KIT

This term is commonly used to describe a sexual assault forensic exam. During the exam, any injuries you have will be taken care of first. Then, the medical professional will do a head to toe examination, taking hair, blood, or urine samples, or a combination, as well as body swabs.

GENDERED VIOLENCE

Violence that is inflicted on someone in connection with their gender. Gendered violence doesn’t specifically mean violence against women.

TITLE IX

This is the federal law that makes discrimination on the basis of sex illegal in state-funded educational programs or activities.

OFFICE OF EQUITY, INCLUSION AND COMPLIANCE

The department at FAU that handles Title IX investigations related to discrimination or sexual harrassment.

VICTIM ADVOCATE

Victim advocates are professionals trained to assist victims of crimes. They might help the victim with emotional support, filling out paperwork or filing a police report, finding resources, and appearing in court. At FAU, the victim advocate works under the FAU police department.

CLERY ACT


Sources:
Florida Statutes, RAINN, NCAA, FAU, Victimsofcrime.org, Department of Education
WEBSITE WOES

Reporting a sexual assault online at Florida universities can be done in five minutes or take you to dead ends. A look at 10 different schools showed that some web pages make it easy to report an incident, and others don’t even work.

By KRISTEN GRAU

STUDENTS at the University of Florida can’t file a Title IX complaint form online if they go to UF’s “Sexual Harassment” page. Why? Because of a 404 error. The same error appears on their “Sexual Violence Response” page. The “Inform Title IX” page was the only one we could find where it worked.

Victims of sexual assault on college campuses will likely look online for help before knocking on university employees’ doors, just like Sarah did. And when websites like UF’s malfunction, it can prevent victims from easily accessing the information they need.

The University Press ranked 10 Florida public universities’ online sexual assault resources by their user-friendliness — and FAU’s wound up in the middle. FAU’s website isn’t the most organized, and victims may have to do some digging, but it will still eventually lead you to all the resources you need.

These are the schools listed from easiest to hardest to find a Title IX report or official complaint form. For each inquiry, the University Press searched “sexual assault [respective school]” on Google.

1. FLORIDA STATE UNIVERSITY

The first search result on Google was the University Counseling Center’s Sexual Assault awareness page, which tells you to contact their Victim Services if you’re unsure whether to report.

FSU makes their online and in-person reporting options clear on that first page victims see. There’s also an organized sidebar on the page that offers directions to FSU’s University Counseling Center, a crisis hotline, and directions on scheduling a counseling appointment.

Unlike other sites, this site gives victims the contact information they need, like the Victim Advocate and Title IX report, at the top of the page, and additional resources, like what men can do to prevent gendered violence and tips for bystanders, toward the bottom.

IN THE EYES OF A VICTIM

The first search result on Google offered an option for a recent victim, and directs them to an understandable list of everyone they can contact.

2. UNIVERSITY OF CENTRAL FLORIDA

The first search result on Google is UCF’s sexual assault FAQ page. At the top of the page, it has three options: “Get Help Now,” “File A Report,” and “Exit Page.”

The “File A Report” for Title IX option is easy to find and web-friendly. The Q&A portion doesn’t show all the answers at once, which might make it less intimidating to victims.

However, victims clicking through the Q&A page can only view UCF’s “Immediate Steps” page on certain questions. The “Immediate Steps” page has almost everything a victim needs: police contact, Victim Advocate information, Victim Services, Student Health Services, and more.

Another downside is a few questions relating to the Office of Institutional Equity’s (UCF administration) investigation and being wrongly accused link directly to the university’s Golden Rule, or its Code of Conduct. The manual is 108 pages, and no victim is going to want to read it in its entirety to find what they need.

IN THE EYES OF A VICTIM

The Q&A had bits of useful information, but UCF should advertise its “Immediate Steps” page earlier. It should also work on relaying the most important facts in their Code of Conduct to students instead of making them scroll through its 108 pages.
3. **FLORIDA INTERNATIONAL UNIVERSITY**

The first option on Google is a sexual assault prevention training course at FIU, but that’s not helpful to a victim right after an assault.

The next option is where victims should visit: the FIU “It’s On Us” page. Below a video of an It’s On Us public service announcement, there are six links you can visit — the two most relevant are “Report an Incident” and “Understanding Title IX.” The former lets you report to Student Affairs and the latter to a Title IX coordinator (without anonymity).

Along with providing actual links to forms, the FIU website describes what the different investigations actually look like. There’s an additional “Resources” link on the “It’s On Us” page where victims can contact the police, their Victim Advocate, the dean of students, and the Title IX office.

**IN THE EYES OF A VICTIM**

This was one of the easiest pages to understand and use. A victim will know who to contact and what steps to take.

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4. **UNIVERSITY OF SOUTH FLORIDA**

The first option that appears is the sexual violence portion of USF’s Center for Victim Advocacy website.

It gives definitions of sexual battery and consent. It also points out that hospitals in Tampa, where USF is located, do not perform “rape kits,” which are sexual assault forensic exams. At the bottom of the page is USF’s Victim Advocate’s contact information.

There’s more information on the second search result, a 20-page guide for victims of sexual assault, dating/domestic violence and stalking. It’s concise and easy to follow. It starts talking about sexual assault on page 8, and outlines what to do and avoid if a victim decides to report their assault.

**IN THE EYES OF A VICTIM**

USF’s step-by-step sexual assault guide avoids legal jargon and instead focuses on helping a recent victim. Almost everything a victim needs to know is available to them in one place. However, since the guide is in pdf format, you may not be able to directly click on the links it provides.

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5. **FLORIDA ATLANTIC UNIVERSITY**

The first result leads you to an Owls Care Health Promotion page on sexual assault prevention. There are three options for reporting at FAU listed at the bottom of the site: law enforcement, the Dean of Students Office and Title IX.

There’s no police department contact information, and the hyperlink to the dean’s website takes you to the homepage, not a sexual assault-specific page. The third link brings you to the Office of Equity, Inclusion and Compliance, which belongs to Title IX.

Once a victim is on the Title IX page, they can find helpful resources on the sexual misconduct form (even if they don’t fill the form out). The form can be filled out directly online.

There’s a list of on- and off-campus resources with a sentence-long description on what they do, which simplifies complex tasks so victims can see which office might be right for them at the time.

**IN THE EYES OF A VICTIM**

FAU lays out victims’ three main options, which may make it easier for them. Once a victim finds the Title IX complaint form, they can likely find all the medical, legal and emotional resources they need. But FAU could do a better job going into more detail about what law enforcement and Title IX investigations consist of.

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6. **UNIVERSITY OF WEST FLORIDA**

The first three options on Google, two labeled “Sexual Assault” and the other “Sexual Harrassment,” don’t work. The fourth option, a “Sexual Violence” page, offers contact information for UWF police, CAPS, the Title IX office and wellness resources on and off campus.

The wellness resources takes you to a Q&A on gendered and sexual violence, similar to UCF’s website. (The subsections of the site lead you to functioning “Sexual Assault” and “Sexual Harassment” pages.) The wellness page has a helpful section called “If You Have Been Assaulted,” which gives a victim clear advice on what to do immediately after: go to a safe place, call the police, and seek medical care and crisis counseling.

The Q&A on “How to File a Report” also directs you to both anonymous and non-anonymous report options that you can fill out online. It helps guide victims through the reporting process and submitting new class and housing requests.

**IN THE EYES OF A VICTIM**

This site was impressively succinct and easy to navigate. Victims can view Q&As that walk them through the Title IX reporting process with sufficient contact information. However, those first three broken links that appear on Google may confuse victims.
7. **Florida Gulf Coast University**

The first search result is FGCU’s “Free Resource Library” page. The majority of it is alcohol, drug, physical health and relationship-related.

The relationship portion breaks into subsections like domestic violence, dating dangers and others, but they all bring you to the same suicide prevention pamphlet — which doesn’t mention sexual assault at all.

Below that list, there are miscellaneous fact sheets, one of them being “Yes Means Yes: Stop Sexual Violence.” It mostly goes over consent with a short list of on- and off-campus resources at the end that FGCU students can reach out to. One of those resources is FGCU’s Assault & Rape Information Support and Education (ARISE).

The ARISE website links to FGCU police, health services, Victim Services, Counseling and Psychological Services, and a Code of Conduct complaint form. However, you can’t access a Title IX complaint from this page — that requires a separate search.

**IN THE EYES OF A VICTIM**

The ARISE website had the most useful resources, but it required some digging to find — and victims may not know to look for it in the first place. It might help if all the Title IX and reporting information were all in the same place.

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8. **University of North Florida**

The top result is a news story, and UNF’s sexual misconduct policy comes next. It addresses what sexual misconduct is and points out you should reach out to the school’s Office of Equal Opportunity and Inclusion in-person, or by phone or fax.

There’s no web-friendly Title IX form victims can fill out on that page — only a link to a more detailed sexual misconduct policy page. The list of resources including the Hubbard House (similar to Palm Beach County’s Butterfly House), UNF Women’s Center, a LGBT resource center, the counseling center and police department is placed at the very bottom.

A better resource is the third page that appeared on our Google search: “The student who may be a Victim of Sexual Violence.” It lays out the phone numbers of the previously mentioned centers and offices without having to scroll through a jargon-ridden university policy.

**IN THE EYES OF A VICTIM:**

UNF’s sexual assault web pages aren’t as user-friendly as other universities’. With no option to fill out a Title IX form online and more policy language than directions for victims, the site is outdated.

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9. **Florida Agricultural & Mechanical University**

The first three Google results are news articles, which don’t help victims find what they’re looking for.

The next four links — FAMU’s “Department of Campus Safety and Security,” “Center for Interpersonal Violence Intervention and Prevention,” “Sexual Misconduct Resources Guide” and “Equal Opportunity Programs” pages — give victims a vague understanding of how to report a sexual assault. One page offers phone numbers for the police, the Title IX coordinator, the Dean of Students, FAMU’s Victim Advocate and more, but like other schools, FAMU doesn’t offer detailed step-by-step guidance.

There’s also no way to file a Title IX complaint form online.

**IN THE EYES OF A VICTIM**

FAMU briefly explains that victims may report their assault anonymously and goes into greater detail about the Victim Advocate’s role, but the resources for victims are much too spread apart on different sites. Not having an online Title IX form can also make it less convenient to report to FAMU administration.

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10. **University of Florida**

The top website on Google was University of Florida Human Resources’ Sexual Harassment page.

The page has a few paragraphs about the purpose of UF’s sexual harassment policy and a chart outlining what happens when you file a Title IX report. The Title IX coordinators email and phone number appear next.

You’re supposed to be able to report your sexual assault at the next link titled “Title IX — Report an issue.” Instead, it leads you to an error page. However, there’s a working Title IX complaint form on their “Inform Title IX” page.

That’s for reporting to UF administration and getting the accused possibly suspended or expelled. If you want to report your assault to the police, according to UF’s Office of Victim Services, you should contact the UFPD Office of Victim Services.

**IN THE EYES OF A VICTIM**

Having a defunct online Title IX form is a disservice to sexual assault victims wanting to have all their statements in one place. Victims may stop searching for a working link after stumbling upon that and never get to report their assault to UF.
WE NEED PHOTOGRAPHERS
If you’re at the Boca campus, come to our meetings, every Friday at 2 PM.
An FAU student says quarterback **CHRIS ROBISON** raped her. She felt guilty for it, so she told police it never happened — then told FAU it did. A lawyer says FAU was right in clearing Robison, but how they told her about their decisions might’ve violated a federal law.

By CAMEREN BOATNER

‘LIKE NOTHING EVER HAPPENED’
ON A DECEMBER night in a Pollo Tropical parking lot, Sarah sat next to FAU quarterback Chris Robison in her gray Honda Civic and watched him cry.

Sarah said it made her feel guilty, even though just days earlier, she says he raped her in his IVA North apartment.

Sarah said she told him if she went forward investigating the rape with FAU police, it would “ruin his life,” and he needed her to tell police that everything between them was consensual. “He begged and cried for me to end the police investigation … because he didn’t want to end his future, and I felt guilty because I felt like the whole situation was my fault, and I didn’t want to be responsible for ruining someone’s life,” Sarah told the UP.

So, Sarah changed her story — something she would regret for months to come, to the point where she thought of killing herself. She told the police she was able to recall everything that happened between them as consensual, but there are conflicts in the police report that tell another story. And after a Title IX investigation through FAU, and from what Sarah’s story and supporting documents show, FAU may have violated federal law.

WHAT HAPPENED ON DEC. 2, 2018?

Sarah was hanging out with FAU football players at an apartment off-campus on the night of Dec. 2, 2018. She drank with players including offensive lineman William Tuilualamaka, linebacker Sioeli “Joe” Pohiva, defensive end Ernest Bagner, and Robison.

She had two or three drinks and she felt sober, police documents say, but after she was given the rest of a nearly empty bottle of Hennessy to drink, her memory went fuzzy.

The next thing she remembers is being placed in a car that resembled a black Mustang. After that, she says she was being tossed into Robison’s bed where she says he raped her.

Three days later, she reported her assault to the police, then met with Robison. So, she went to the police again, said everything between the two of them was consensual, and she dropped the charges.

But during a phone call between Sarah and Robison that took place before they met at Pollo Tropical — that was monitored without his knowledge by FAU police — Robison “broke down crying,” and admitted Sarah was a “little hesitant” to have sex with him, and that he was “regretful,” according to FAU police documents.

After an interview with police where they told Robison they’d heard the phone call, he started calling and texting Sarah, asking to meet up, according to text messages, call logs, and voicemails provided by Sarah. A few days later, she recanted her statements.

The UP reached out to Robison’s lawyer for comment via email and phone call several times over the course of a month, but he declined to comment. The UP also asked if Robison had a statement for us regarding the investigation, which his lawyer said he’d ask for, but did not provide one. The UP also texted and called Robison’s cell phone but he did not answer, and his voicemail wasn’t set up to leave a message.

CONTINUED NEXT PAGE
Based on their situation.

take a “victim-centered” approach, where victims are presented with themselves without getting legal support or guidance,” Dunn said.
to file a Title IX report instead.

SARAH DIDN'T GET A LAWYER.

Laura Dunn, a Title IX lawyer and founder of SurvJustice, a nonprofit organization that offers legal assistance to survivors of sexual violence, said both FAU and Sarah made mistakes in the investigations.

MISTAKE NO. 1: SARAH DIDN'T GET A LAWYER.

Dunn says that if Sarah had called her for a free consultation, she would’ve told her not to go to the police in the first place because she was having doubts about pressing criminal charges. She would’ve told Sarah to file a Title IX report instead.

“What breaks my heart is when survivors try to navigate the system themselves without getting legal support or guidance,” Dunn said.

Dunn says there are two ways for an advocate to assist a recent survivor: take a “victim-centered” approach, where victims are presented with options, and can choose what they want to do, or suggest options for them based on their situation.

CONTINUED NEXT PAGE
Sarah blamed herself for what happened on Dec. 2, 2018. Seven months later, she says she should’ve done things differently.

By CAMEREN BOATNER

DEC. 2, 2018
HER FIRST “MISTAKE”
Robison invited Sarah to hang out and bring her friends. Her friends bailed, and she decided not to go. He insisted she come still, knowing she wasn’t bringing anyone else. Sarah said she was unsure, but she still hung out with the players at an apartment off campus called Gables Boca Place.

DEC. 3, 2018
REMEMBERING THAT NIGHT
Sarah woke up to her phone alarm blaring while laying half naked in Robison’s bed at IVA North. She remembers being placed in a car the night before, then being in Robison’s bed around 1 a.m. where she told him, “No, wait, I’m a virgin,” before he penetrated her, police documents show. She struggled to remember what happened while she tried to find her clothes. Sarah’s friends were trying to contact her, but she didn’t answer. Her friend Erica came to her room, knowing something was wrong. Sarah then told her everything that happened last night.

DEC. 4, 2018
CONFIDING IN FAMILY
Driving to FAU to turn in a paper, Sarah had a panic attack. She parked her car and called her sister to tell her what happened. Her sister told her what happened to her was sexual battery, and encouraged Sarah to report to the police — but she decided against it.

DEC. 5, 2018
FILING THE REPORT
Sarah talked to her sister again and decided to go to the police. She said she tried reporting at the Dean of Students’ office, but she left after the person at the front desk asked her for details about what happened. Right across the hallway was the Counseling and Psychological Services office, where the woman at the front asked if it was an emergency. Sarah started crying. After meeting with a counselor, she met with Victim Services and FAUPD to file reports to the police and FAU’s Office of Equity, Inclusion and Compliance (EIC), that handles harassment and discrimination.

JAN. 10, 2019
ENTER EIC
Sarah went to meet with the EIC’s assistant director to pursue some sort of consequences for Robison. But once she told them about her recanting to police, she got the impression they heard all they needed to. Still, the EIC investigation continued.

JUNE 17, 2019
IT GETS WORSE
Sarah got a call from her Victim Advocate, an FAUPD employee who helps crime victims navigate reporting their trauma, saying that the EIC’s investigation concluded and she could come see the findings. She was only allowed to view the report in the Victims Services office. When she found out the EIC sided with Robison, she told her Victim Advocate she was having suicidal thoughts, but wouldn’t act on them. Still, she was taken to South County Mental Health Center in Delray Beach under the Baker Act, a Florida law that requires mental health care professionals to report patients who say they’re suicidal.

JUNE 27, 2019
ONE LAST APPEAL
The EIC’s policy allows Sarah to respond to the investigation results with any evidence unused by the office. Sarah sent her 19 page response letter with all the evidence in support of her side that the EIC didn’t include. She almost didn’t send a response because she didn’t think it would do any good. But still, she tried one last time to prove her case.

JULY 17, 2019
CASE CLOSED, AGAIN
Sarah’s Victim Advocate told her that the school hadn’t changed their mind about siding with Robison. The EIC said they already knew about all the evidence she presented in her response letter. She said they never asked for her phone call logs, texts, and voicemails [which were included in her response] so they couldn’t have had them.
From what Sarah described, when she went to Victim Services at FAU, Dunn says they took the victim-centered approach. Sarah said she asked her victim advocate whether she should get a lawyer. Sarah says Harrinarine told her she couldn’t give her a definite “yes” or “no,” leading Sarah to make uninformed decisions from the start.

Dunn says this approach isn’t correct because the victim is acting on their recent traumas. If she spoke to a lawyer, they would’ve provided “informed options,” to Sarah, and allowed her to weigh those options. “They’re traumatized, confused, the system is foreign to them. They’re so unsure and they’re so afraid, but I see this every day,” Dunn said. “We live in an era where it’s traumatizing, it’s scary, and the best thing you can do is get someone who’s in your corner and no one else’s corner.”

**MISTAKE NO. 2: SARAH RECANTED HER STATEMENTS TO THE POLICE.**

“Once the survivor recants, her credibility is forever in question,” Dunn said. “The fact that she recanted to law enforcement, it would really hurt her claim.”

After that, once the EIC investigation concluded with Robison being cleared, Dunn said the decision was justified.

**MISTAKE NO. 3: THE EIC OFFICE DIDN’T SEND SARAH A WRITTEN RECORD OF THEIR INVESTIGATION FINDINGS.**

Although the EIC’s findings were justified after Sarah recanted, how they told her about that decision violated the Clery Act.

The Clery Act requires that both the accused and the accuser in a sexual misconduct investigation be sent a notification in writing of the result of the investigation, something Sarah says she didn’t receive during the first round of the investigation, before she appealed the results. Here’s the language in the Clery Act:

- require simultaneous notification, in writing, to both the accuser and the accused of
  - the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking;
  - the institution’s procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
  - any change to the result; and
  - when such results become final.

So, the parties in the investigation are entitled to a report of the outcome, and according to the Clery Act, that report should be the full investigation including results, evidence, any sanctions for the accused, and the rationale for the decisions made. Sarah says her victim advocate called her in to view her report on campus, and that she never received a written notification.

The UP asked the Office of Equity, Inclusion and Compliance for comment on Sarah’s accusations multiple times, but has not received an answer as of publication time.

A university spokesperson said via email “both parties are notified of the outcome of an EIC investigation.” They did not specify whether the parties are notified in writing as required by law.

**MISTAKE NO. 4: HARRINARINE CALLED SARAH TO DISCUSS THE EIC FINDINGS BEFORE SARAH RECEIVED ANY WRITTEN FINAL REPORT.**

After Sarah saw the results of the EIC investigation, she decided to appeal them with all of the evidence she says they didn’t include in the initial findings. She included text messages with Robison, call logs, and a voicemail from him. Then, they cleared Robison again, and closed the case.

Once again, Sarah’s victim advocate called her to tell her about the results of the case, and that it was closed, according to a letter to Sarah from EIC — something the Clery Act prohibits.

The UP asked EIC to comment on Harrinarine’s conversation with the complainant regarding the result, but they have not responded as of publication time.

The Clery Act states that there can’t be substantive conversation regarding a case’s results before the written notification. Sarah received the written notification, in the form of a letter she showed the UP, but after discussing the results with her victim advocate, the letter says, “In my professional opinion as a lawyer, I believe that’s a violation of federal law and not compliant,” Dunn said.

Dunn says many of the mistakes could’ve been avoided had Sarah been given legal guidance to begin with.

“What I would say is as much as our legal system is meant to serve survivors, that’s often not the case. I would suggest you seek out a victim advocate or a lawyer, because the decisions you make can make or break the outcome, there are many free legal services and free victim advocacy processes,” Dunn said. “There’s no reason a survivor should go through this process alone.”

Sarah says she wasn’t alone, but she didn’t have anyone in her corner. Throughout the police investigation, she was talking to Robison, as shown by text messages provided by Sarah.

He maintained he didn’t rape her and he never meant to hurt her, and when they met in the parking lot of Pollo Tropical, she says she believed him.

“I wish I had the mindset seven months ago that I have now. When everything happened I was really weak minded,” Sarah said, getting choked up. “And I felt guilty and blamed myself. For going to hang out with guys, for drinking around people I wasn’t familiar with, and I didn’t want to ruin someone’s life for what I considered my mistake. If I could go back in time and just not stop the police investigation, I would.”

Laura Dunn is a rape survivor, Title IX lawyer and founder of SurvJustice, a legal advocacy nonprofit for sexual assault survivors. “What I would say is as much as our legal system is meant to serve survivors, that’s often not the case.” –Laura Dunn
EVERY AMERICAN WASTES
290 POUNDS OF FOOD A YEAR

COOK IT, STORE IT, SHARE IT.
JUST DON’T WASTE IT.

SAVETHEFOOD.COM
The National Collegiate Athletic Association (NCAA) doesn’t have a policy prohibiting athletes who commit sexual violence from playing. Experts and activists say the problem lies in the NCAA’s lack of clear-cut rules regarding sexual misconduct.

By CAMEREN BOATNER

REnda Tracy accused four men, two of them being Oregon State football players, of gang raping her in 1998, but later dropped the charges because she wouldn’t testify in court.

Oregon State’s football coach, Mike Riley, wrote his players’ offenses off as a “bad choice,” and suspended them for one game.

Sixteen years later, in 2014, Tracy came out with her story and spoke to Riley. What she found was that he cared about her, and he cared about making a change.

She saw that Riley wanted to prevent sexual violence in athletics, and started to believe other coaches might want to do the same. Tracy founded the non-profit organization, Set The Expectation, which works on engaging male athletes and coaches in the fight against sexual violence in athletics. Tracy goes to colleges and talks to their sports teams about how they can prevent sexual violence.

Set The Expectation touches on topics like victim blaming, manhood, mental health, and consent. Tracy also has coaches pledge to attach eligibility to behavior. This means that if a player commits sexual violence, they can no longer be on the team.

“Right now in the NCAA, you can be found guilty in a court of law of sexual assault, and you can still play ball, but if you smoke weed you can be kicked off the team for a year,” Tracy said. “These are things that I am advocating against. Winning is not that
Brenda Tracy is a rape survivor, turned activist, and founder of Set The Expectation, a non-profit based in Oregon that engages athletes in preventing sexual violence in athletics.

“WINNING IS NOT THAT IMPORTANT TO PUT THE SAFETY OF OTHER STUDENTS AT RISK. I THINK IT’S A PRIVILEGE TO PLAY SPORTS, NOT A RIGHT.”

-Brenda Tracy

important to put the safety of other students at risk. I think it’s a privilege to play sports, not a right. And if you violate a privilege you shouldn’t be able to play anymore.”

The NCAA doesn’t have a policy that disqualifies a player who commits sexual assault, sexual battery, or rape from playing on the team. What they do have is a recently-adopted policy that requires teams to go through yearly sexual assault prevention education, based on materials from the NCAA.

FAU’s Student-Athlete Handbook says that under Title IX, discrimination on the basis of sex is prohibited, and any student who commits an act of domestic or sexual violence, harassment and stalking “may be subject to student conduct/disciplinary action.”

However, being subject to student conduct or disciplinary action doesn’t necessarily mean a student who commits sexual violence can’t play on a team anymore.

Jessica Luther, an investigative journalist based in Austin, Texas covers sexual misconduct in athletics, and says the way to stop it is to have clear-cut rules for players who commit sexual violence.

“I often think schools need to have really clear policies within athletics departments, same for fraternities and other groups who are isolated and powerful. There has to be a consistency and they have to be transparent on all of these rules,” Luther said.

Luther says she only applied to Florida State University because she wanted to attend their football games.

She was a huge college football fan as a teenager, but now Luther says she finds it hard to enjoy watching. After covering a story where FSU star quarterback Jameis Winston was accused of sexual assault, Luther had a new view of college athletics: teams put winning over the safety of students.

Luther went on to cover more sexual violence cases in athletics, including a high-profile cover up at Baylor University, and even wrote a book about it, called Unsportsmanlike Conduct: College Football and the Politics of Rape. In her book, she writes about several sexual assault cases in athletics, and solutions that could’ve prevented them from happening.

“The system as it’s set up encourages people to make bad, exploitative decisions. They make bad decisions around issues of gendered violence. It’s about winning and keeping these guys on the field,” Luther said.

Luther started to see a pattern of sexual violence in football teams while reporting on the Baylor University rape coverup. A player was standing trial for a 2013 rape, but faced no disciplinary action from the university. Luther wanted to do something that showed these assaults aren’t isolated issues, so she wrote her book.

She says football coaches and administrators argue: “It’s only this one guy, it has nothing to do with the team.”

“I wanted to think large about it. I wanted to speak systematically about it. We aren’t going to change it if we think about them as one-off issues,” Luther said.

Her book Unsportsmanlike Conduct addresses these scandals, and reports that college football administrations help sweep sexual assaults under the rug.

The case Luther broke at Baylor, which received national attention, resulted in the firing of head coach Art Briles because of his response to the assault. Local media didn’t get word of the players actions for two years before Luther and her reporting partner stepped in.

Tracy’s case didn’t reach the media until years later as well, and once it did, she launched herself into activism at Set The Expectation.

“If women alone could stop sexual violence, we would’ve already done it. To me, the answer is involving men. It’s about 10 percent of the male population committing these crimes. Most of the men in that other 90 percent are

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silent and complacent. For us, it’s engaging the 90 percent of men. I try to show these men how to use their platform to make a difference in their community,” Tracy said, referencing a 2015 study by a group of sexual assault researchers published in medical journal, JAMA Pediatrics.

Tracy sat on a board the NCAA created, called the Commission to Combat Sexual Violence. This is the board that helped get the NCAA to adopt their sexual violence policy that requires coaches and players to attend educational events, but she advocated for an entirely different set of standards. Before the current policy passed, Tracy petitioned for the NCAA to adopt a separate policy that bans violent players. She says the current policy is a step in the right direction, but doesn’t have any real consequences.

“That policy I think is good and bad. The NCAA is requiring schools to do yearly sexual violence prevention. That’s good and that’s important, but it also doesn’t have any teeth to it. If you don’t do it, the only repercussion is you can’t hold a championship game,” Tracy said.

If she could write a policy for the NCAA to adopt, she says it would look like the Big Sky Conference’s “Serious Misconduct Rule.” It bans students with violent convictions from playing or receiving athletic scholarships at schools in their conference.

Big Sky, which includes teams in the western U.S., is the first in the NCAA to have such a policy. Tracy says the NCAA needs to follow in Big Sky’s footsteps and make a policy that prohibits violent players and recruits who have been violent in the past from playing.

“The NCAA is an organization that can take a stand but refuses to do so. I think the fact that there’s a tolerance for that isn’t okay. I think the NCAA should step up and do something about it. It’s not okay to actively and knowingly recruit a violent player to the campus,” Tracy said.

Tracy was vocal when FAU head football coach Lane Kiffin brought Kendal Briles, son of fired Baylor head coach Art Briles, to FAU as an offensive coordinator in December 2016. Kendal was named in the lawsuit — filed by the Baylor student who was raped — that FAU is committed to creating a healthy campus environment and has instituted programs and policies on campus that educate students on issues related to the prevention of sexual misconduct,” McCormack said. “All incoming first year, transfer, second bachelors and graduate students are required to complete an online education program related to alcohol, drugs and sexual misconduct. Additionally, all FAU student-athletes participate in sexual assault prevention training provided by the FAU Athletic Department.”

But Tracy says that if schools were committed to keeping students safe, they would have consequences that tie their ability to play to their actions.

“The NCAA is not doing anything that I can see. If the NCAA is doing anything that I can see, it’s more than the average non-athlete student. That policy I think is good and bad. The NCAA to adopt their sexual violence policy that requires coaches and players to attend educational events, but she advocated for an entirely different set of standards. Before the current policy passed, Tracy petitioned for the NCAA to adopt a separate policy that bans violent players. She says the current policy is a step in the right direction, but doesn’t have any real consequences.

“Do you like white women? Because we have a lot of them at Baylor and they love football players,” Kendal was quoted as saying in the lawsuit, according to the Palm Beach Post.

While Kiffin was Tennessee’s head coach in 2009, the football program also used “hostesses” to escort top prospects around Knoxville, according to a book called “The

JESSICA LUTHER IS AN INVESTIGATIVE JOURNALIST BASED IN AUSTIN, TEXAS, WHO EXPOSES SEXUAL MISCONDUCT IN ATHLETICS, AND WRITES ABOUT GENDER ISSUES IN SPORTS.

athletes account for 6.3% of respondents in Title IX cases, but make up only 1.7 percent of the student population

THE STATS OUTSIDE THE GAME

Even though sexual misconduct goes “severely underreported,” research says any type of man can commit sexual violence, but athletes are at the top of that list.

Outside The Lines, a show on ESPN, requested Title IX records from the Power 5, five conferences that host the biggest programs in the NCAA. What they found was that athletes are three times more likely to be accused of sexual misconduct.

Luther said, “I get really nervous about the statistics surrounding this stuff. Everything is so underreported.”

There are varying accounts from different researchers of how many athletes are accused of and commit sexual misconduct, but most concur that it’s more than the average non-athlete student.

There were at least 438 Title IX reports against student-athletes between 2012 and 2017 in the Power 5 alone that Outside The Lines knows of [some schools did not provide data]. That only accounts for 6.3 percent of the reports, but student athletes make up just 1.7 percent of the student population on average.

“Charlie Strong at USF, he gets it. He has a zero tolerance policy, but then you have another coach who is willing to take these athletes in like Lane Kiffin. For some coaches ... it’s the way it’s always been to give kids second chances, but what are they doing to make sure no one gets hurt again?” Tracy said.

The UP asked McCormack what programs they’ve set in place to prevent sexual violence.

“FAU is committed to creating a healthy campus environment and has instituted programs and policies on campus that educate students on issues related to the prevention of sexual misconduct,” McCormack said. “All incoming first year, transfer, second bachelors and graduate students are required to complete an online education program related to alcohol, drugs and sexual misconduct. Additionally, all FAU student-athletes participate in sexual assault prevention training provided by the FAU Athletic Department.”

But Tracy says that if schools were committed to keeping students safe, they would have consequences that tie their ability to play to their actions.

She said, “These men need to know that their actions matter.”

System: The Glory And Scandal of Big-Time College Football” by journalists Jeff Benedict and Armen Keteyian. The duo wrote that the hostesses were integral in securing players.

“Coaches have a tendency with using women to recruit players, and Lane Kiffin is one of the bright examples of that,” Luther said. “What are you saying about access to women if you’re using that as a reward for joining the team?”

The UP hasn’t received any claims of FAU using hostesses, but we asked anyway. We reached out to FAU Athletics spokesperson Katrina McCormack to ask whether Kiffin uses hostesses at FAU to vet potential recruits, and in McCormack’s response, she didn’t answer that particular question.

FAU also has a track record of attracting players under Kiffin with alleged histories of violence.

• De’Andre Johnson: Dismissed from FSU after allegedly hitting a woman at a bar, transferred to FAU, charged with misdemeanor battery, according to Tallahassee Democrat.

• Deondre Francois: A former potential FAU QB involved in two domestic violence investigations, cleared of charges, according to the Orlando Sentinel.

Tracy said she meets coaches all the time who understand that violence against women in athletics is a problem, but not all coaches have the same attitude.
If you’ve experienced a sexual assault on or near campus, there are several resources at FAU to help you press charges, get treated, and find counseling. Learning who to reach out to may seem daunting, but here are the different avenues you can take following an assault.

BY KRISTEN GRAU & RYAN LYNCH

FOR VICTIMS of sexual assault at universities, there isn’t often one resource for what to do following the assault.

The University Press put together the guide below providing the steps you can take if you or someone you know is a victim — from reporting the incident to finding support.

If you are in immediate danger, call 9-1-1. If you need help from a trained professional, call the National Rape Crisis Center — available 24/7 — at 1-800-656-4673.
### WHERE TO GET MEDICAL HELP

**BOCA RATON REGIONAL HOSPITAL:**
At 1.2 miles away, this is the closest hospital to the Boca Raton campus. If you’ve been physically hurt, you may be taken to the emergency room. You may also be directed to a sexual assault nurse examiner to take a sexual assault forensic exam, or a “rape kit,” only if you choose to do so.

Contact: 561-955-7100  
Location: 800 Meadows Rd  
Boca Raton, FL 33486

**OWLS CARE:**
Owls Care is an on-campus organization that offers sexual health services to students, including sexually transmitted infection (STI) testing. If you get tested, you are not obligated to file a formal police report.

Contact: 561-297-1048  
Location: Student Services Building, room 222

**PALM BEACH COUNTY VICTIM SERVICES:**
They are the main provider of sexual assault forensic exams, which are suggested to press criminal charges. The organization can provide help in many steps of the process, including court appearances. If you decide you want a rape kit, it is recommended you do it the day of the assault with the same clothes on and avoid showering beforehand. This will make your case stronger. Rape kits, in most cases, must be performed no later than 72 hours after the assault.

Contact: 561-833-4127 (24-hour helpline)  
Location (closest to FAU): 200 W. Atlantic Ave., Ste. 1E-301  
Delray Beach 33444

**BUTTERFLY HOUSE:**
This sexual assault care center is part of Wellington Regional Medical Center and Palm Beach County Victim Services. Boca Raton’s police department uses it on a case-by-case basis to get sexual assault forensic exams done. It’s the county’s first rape-specific crisis center. Law enforcement can also hold interviews there. Butterfly House also provides a change of clothes, mouthwash, and toothbrushes, according to the Palm Beach Post.

Contact: 561-798-8500  
Location: Wellington Regional Medical Center

### WHERE TO FILE A POLICE REPORT

If you’re assaulted on campus and call 9-1-1, you’ll be directed to FAU’s police department. If you’re at an off-campus apartment or house, you might be directed to the police department of Boca Raton or your respective city.

**BOCA RATON POLICE DEPARTMENT:**
If you live off-campus but near FAU, you’ll likely reach the city’s police department, not FAU’s. The department will notify an advocate from Palm Beach County Victim Services and an officer. Boca Raton Police Public Information Officer Jessica Desir said an officer will visit you for an interview. They’ll ask basic questions covering the who, when and where first. While Desir says the officer will try to make you “as comfortable as possible,” she said their job is to ask the “tough questions” to understand exactly what happened. The police will then bring in a detective to take over the investigation.

You have a choice in whether to press criminal charges or not. Just because you go to the police doesn’t mean you’re obligated to do so.

Contact: 9-1-1 (emergency), 561-338-1234 (non-emergency)  
Location: 100 NW Boca Raton Blvd  
Boca Raton, Florida 33432

**FAU POLICE DEPARTMENT:**
If your call falls under FAU PD jurisdiction, the department will call upon their investigations team and a victim advocate from Palm Beach County Victim Services. They may also contact a sexual assault nurse examiner to conduct a rape kit if you agree to do so. As with Boca Raton’s police department, an officer will ask for a basic overview of what happened.

As a victim, you’re not required to initiate a formal police investigation — even after being questioned. You have the option to simply have the incident documented for Title IX purposes and FAU’s annual crime statistics release as required by the Clery Act. FAU PD’s Victim Services office may refer you to CAPS or student health services, assist you through the judicial system and vouch on your behalf for new housing and class accommodations.

Contact: 9-1-1 [emergency], 561-297-3500 [non-emergency]  
Location: Campus Operations, building 69
WHERE TO FILE A REPORT TO ADMINISTRATION

FAU can conduct its own investigations separate from that of a police department if you decide to report to the Office of Equity, Inclusion and Compliance, which enforces compliance with federal anti-discrimination law Title IX. If a victim wins this investigation, the accused person can be suspended or expelled — not criminally charged.

TITLE IX/OFFICE OF EQUITY, INCLUSION AND COMPLIANCE (EIC)

If you notified any faculty or staff at FAU (besides CAPS) about your assault, they’re required to report it to this office. Even if the EIC office knows about your situation, you aren’t obligated to file a sexual misconduct complaint with the office or press charges with the police. The EIC investigation of around 60 days starts with the office compiling evidence — like witness testimony — from both parties, who then decide if there’s enough to start an investigation. Next, the EIC office will determine if the defending party is responsible.

Contact: 561-297-3004
Location: Administration Building, room 265

DEAN OF STUDENTS

If you argue the person who assaulted you broke the code of conduct, you may also take your case to the dean of students. The dean will have a conference with the charged student. This must be done within six months of the assault with exceptions the dean of students deems fit. If the charged student is found responsible for violating the code of conduct, the process ends. But if they are found not responsible, you can appeal and hold a Student Conduct board hearing.

Contact: 561-297-3542
Location: Student Services Building, room 226

STUDENT CONDUCT BOARD

This hearing is held in front of a board of faculty members and students. Like the EIC investigation, the board will gather evidence from the charged student. You have six months from the day of the assault to report a Code of Conduct violation. The defending party will be able to respond to the allegations and bring along voluntary witnesses to testify. After reviewing facts from the case, the board will offer their findings to the dean of students. The dean may determine a final course of action. If appealed, the vice president of Student Affairs makes a final decision.

Contact information same as Dean of Students

WHERE TO FIND EMOTIONAL HELP

In between school and law enforcement investigations, you may need someone to confide in. FAU’s Counseling and Psychological Services can protect your confidentiality while giving emotional support and FAU’s Victim Advocate can help make new housing and class arrangements, if necessary.

VICTIM ADVOCATE:

FAU’s victim services will assign a victim advocate to your case. They can guide you through filing the incident with police, help with filling out paperwork and assist with creating a safe environment on campus. They also serve as the victim’s help when talking to outside offices like the Dean of Students and can appear at court or other meetings with you.

COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS)

CAPS employees are the only confidential reporters on campus, which means they won’t report your assault to the Office of Equity, Inclusion and Compliance if you tell them about it. They offer free counseling and psychiatric services to students. If the center is open and you’ve been sexually assaulted, you can get an appointment immediately. You won’t need to disclose on the phone or in-person to the receptionist if you’ve been sexually assaulted — you just need to say you’ve experienced a crisis.

Contact: 561-297-3540 (Crisis Line)
Location: Student Services Building, room 229

Contact: 561-297-3500
Location: Boca campus library, room 156
DO WHATEVER THE HELL YOU WANT

MAKE YOUR DUMBEST MISTAKES, AND LEARN TO NEVER MAKE THEM AGAIN

But first you have to get to the newsroom. Come to the University Press open house Friday, Aug. 30, at 2 p.m. in Student Union Room 214.

Our creative director made the font at the top of this page.