

“What were you wearing?”: Victimization of Sexual Assault Victims at Cal Poly

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Abstract

This paper will argue that Cal Poly and San Luis Obispo place greater blame and responsibility on women victims of sexual assault than their perpetrators. Sexual assault and sexual assault prevention methods in local media will be examined, as will three recent Title IX cases of Cal Poly students. Placing abundant blame and responsibility on the victims of sexual assault creates a culture of victimization, which discourages victims from reporting their sexual assaults. Although this paper does not offer up suggestions of how we can better Cal Poly's approach to sexual assault, it hopes to spark a conversation about improving current methods and procedures for the sake of the mental and emotional well being of sexual assault victims.

Key Words

Sexual assault, Cal Poly, Title IX, reporting, prevention

Introduction

Actress Alyssa Milano unknowingly started a movement when she tweeted, “If all the women who have been sexually harassed or assaulted wrote ‘Me Too.’ as a status, we might give people a sense of the magnitude of the problem.”¹ 48 hours after Milano’s tweet, the hashtag #MeToo had been tweeted almost a million times on Twitter and posted more than 12 million times on Facebook.² The ‘Me Too’ movement brought to light the shockingly high number of women who have experienced sexual assault and sparked a nation-wide discussion. Despite the long-term existence of sexual assault, comfortability with and even knowledge of the subject is largely recent. The term ‘sexual assault’ was not coined until 1975, when a Women’s Studies professor at Cornell, Lin Farley, noticed a trend in the experiences her female students had in their workplaces. In an interview with WNYC, Farley recalled, “Every single one of these kids had...been forced to quit a job or been fired because they had rejected the sexual overtures of a boss....We needed to have a name for what this phenomenon was. We all needed to be talking about the same thing.”³

As the term ‘sexual assault’ became popularized, women began to speak out against their perpetrators,⁴ and at the collegiate level, female students started to reexamine the inappropriate behavior of their professors and schoolmates. In *Alexander v. Yale* (1980), five Yale graduates and current students went to court to obtain a grievance procedure for students dealing with sexual assault reports.⁵ The plaintiffs, Ronni Alexander, Margery Reifler, Pamela Price, Lisa E.

¹ Alyssa Milano, Twitter Post, 15 October 2017, 1:21PM,

https://twitter.com/alyssa_milano/status/919659438700670976?lang=en

² Andrea Park, “#MeToo reaches 85 countries with 1.7M tweets,” *CBS News*, <https://www.cbsnews.com/news/metoo-reaches-85-countries-with-1-7-million-tweets/>, accessed 26 February 2018.

³ Lin Farley, “Sexual Harassment, Revisited,” interviewed by Brooke Gladstone, *WNYC*, 27 October 2017.

⁴ James T. Patterson, *Grand Expectations: the United States 1945-1974*, (New York: Oxford University Press), 20 November 1997, P. 646.

⁵ United Educators, “Understanding How and Why Title IX Regulates Campus Sexual Violence,” 2015, <https://www.ue.org/uploadedFiles/History%20of%20Title%20IX.pdf>, accessed 25 February 2018.

Stone, and Ann Olivarius, had all been sexually harassed or assaulted by Yale faculty, and argued that such sexual harassment constituted sex discrimination, thus violating Title IX.⁶ Although the court dismissed the case, Yale did institute a grievance procedure for sexual assault reports, causing other colleges to quickly follow. *Alexander v. Yale* was also instrumental in transitioning Title IX into a sexual assault reporting and prevention center. Title IX, part of the United States Education Amendments of 1972, was originally instituted as a means of ensuring equal treatment on the basis of sex in federally funded educational institutions, and served women by guaranteeing equal athletic and professional opportunities and treatment. *Alexander v. Yale* was the beginning of a push for campuses to take responsibility of sexual assaults committed against their students, and led to other court cases such as *Davis v. Monroe County Board of Education* (1999), which ensured institutional liability for student sexual assault against other students.⁷ Title IX as a means of sexual assault prevention and assistance was furthered in 2003 in *Kelly v. Yale*, when the court ruled that upon hearing of Kelly's assault, Yale had an obligation under Title IX to take action.⁸

A recent push to make colleges take responsibility for sexual assaults came in the form of the Office for Civil Rights (OCR) "Dear Colleague" letter. In 2011, the OCR sent out a "Dear Colleague" letter requiring federally funded colleges to adhere to Title IX sexual assault policies, and providing clarifying guidelines for how colleges should deal with sexual assault, including: a swift investigation process, guaranteeing at least one employee is available to coordinate investigations under Title IX, and an adoption of Title IX grievance procedure that provides

⁶ United Educators, "Understanding How and Why Title IX Regulates Campus Sexual Violence."

⁷ David L. Stader & Jodi L. Williams-Cunningham, "Campus Sexual Assault, Institutional Betrayal, and Title IX", *The Clearing House: A Journal of Educational Strategies, Issues and Ideas* 90:5-6 (2017), pg. 199-201

⁸ Stader & Williams-Cunningham, "Campus Sexual Assault, Institutional Betrayal, and Title IX".

“prompt and equitable resolution of student and employee...complains.”⁹ Vice President Joe Bidden announced the “Dear Colleague” letter of 2011, during President Obama’s administration.

In September 2017, the “Dear Colleague” letter of 2011 was formally rescinded by the Education Department, headed by Education Secretary Betsy DeVos. DeVos, under the concern that the perpetrators are not allowed their due process, withdrew the Obama era “Dear Colleague” letter.¹⁰ With the letter, DeVos also rescinded the responsibility placed on colleges to investigate sexual assaults through their Title IX offices, and now allows colleges the freedom to solely use a method of police investigation.

Despite preventative measures, sexual assault against women on college campuses remains a serious problem. In 2016, the National Institute of Justice conducted a national study on the frequency of sexual assaults against undergraduate college women. After surveying 15,000 women in nine institutions, the National Institute of Justice recorded 25% of women were sexually assaulted while in college.¹¹ According to *The Sexual Victimization of College Women*, a research report conducted by the U.S. Department of Justice, more than 90% of college women do not report sexual assault.¹² When considering Cal Poly through these statistics, we can predict that around 2,500 female students experience sexual assault while at Cal Poly, and around 2,262 of these sexual assaults go unreported, leaving the victims without help, the

⁹ “Dear Colleague Letter”, *U.S. Department of Education*, (Office for Civil Rights). 4 April 2011.

¹⁰ Sophie Tatum, “Education Department withdraws Obama-era campus sexual assault guidance”, *CNN*, <https://www.cnn.com/2017/09/22/politics/betsy-devos-title-ix/index.html>, accessed 4 March 2018.

¹¹ “The Truth About Statistics of Sexual Assault in College,” *The Hunting Ground Film*. <http://thehuntinggroundfilm.com/2017/01/the-truth-about-statistics-of-sexual-assault-in-college/>, accessed 25 February 2018)

¹² Bonnie S. Fisher, Francis T. Cullen, and Michael G. Turner, *The Sexual Victimization of College Women* (Washington, DC: U.S. Department of Justice Office of Justice Programs, 2000), pg. 24.

assailants without punishment, and the culture unchanged.¹³ This painfully high statistic raises an important question: why are Cal Poly women students not reporting sexual assaults and seeking the help they need, despite resources such as Title IX?

This paper will examine the ways in which Cal Poly and San Luis Obispo have addressed sexual assault from 1972 until the present day through analysis of sexual assault prevention techniques implemented by Cal Poly, portrayal of sexual assault in local media, and success of Cal Poly's Title IX office. For the purpose of this paper, the definition of sexual assault will follow that of the definition created by the Department of Justice: "any type of sexual contact or behavior that occurs without the explicit consent of the recipient,"¹⁴ and encompasses any forced, unwanted, or non-consensual sexual act, including rape. Additionally, this paper is based on and backed by research of sexual assault against women; while men do experience sexual assault while in college at a significantly lower rate, this paper will focus on solely on sexual assaults committed against college women.

Historiography

Despite sexual assault on college campuses being a fairly new discussion, invaluable scholarship has been produced on this topic. William R. Beaver's academic article "Campus Sexual Assault What We Know and What We Don't" centers around three prominent surveys of sexual assault on college campuses: the "Campus Sexual Assault Study", the American Association of Universities' Campus Climate Survey on Sexual Assault and Sexual Misconduct", and "Rape and Sexual Assault Victimization among College-Aged Females, 1995-

¹³ "Cal Poly Quick Facts," Fall 2016 n.d., <https://calpolynews.calpoly.edu/quickfacts.html>, accessed 25 February 2018.

¹⁴ "Sexual Assault", *United States Department of Justice: Office on Violence Against Women*, (June 16, 2017) <https://www.justice.gov/ovw/sexual-assault>, accessed 26 February 2018

2013”.¹⁵ Beaver compares the studies to centralize what is certain and uncertain about sexual assault on college campuses, concluding that while the majority of sexual assaults are perpetrated by men and go unreported, the rate of which sexual assault on campuses occur is unclear.¹⁶ Beaver’s work provides beneficial background when understanding sexual assault at Cal Poly. “Campus Sexual Assault, Institutional Betrayal, and Title IX”, an academic journal article by David L. Stader & Jodi L. Williams-Cunningham examines how the negative actions of colleges affect campus sexual assault and sexual assault victims. Stader and William-Cunningham argue that institutional betrayal by colleges result in sexual assault victims feeling re-victimized and experiencing high levels of post-traumatic stress disorder. The authors go on to explain how colleges tend to discourage reporting sexual assault through creating a difficult reporting process, delay punishment when sexual assault involves a high-profile athlete, and often attempts to cover up allegations.¹⁷ The research done by Stader and Williams-Cunningham provide instrumental background when considering Cal Poly’s actions against sexual assault through a paradigm of institutional betrayal and will be used to further my argument.

Previous student research on sexual assault at Cal Poly has been significant in understanding the deep-rooted way in which Cal Poly and the city of San Luis Obispo have dealt with crimes against women. In her paper on women victims’ portrayal in the local media, Jacquelyn Morris argues that the *Telegram-Tribune* and the *Mustang News* “blam[ed] female victims for the crimes committed against them and present[ed] victims as having unfavorable

¹⁵ William R. Beaver, “Campus Sexual Assault What We Know and What We Don’t,” *Independent Review*, Vol. 22 Issue 2, (2017), p257-286.

¹⁶ Beaver, “Campus Sexual Assault What We Know and What We Don’t.”

¹⁷ David L. Stader & Jodi L. Williams-Cunningham, “Campus Sexual Assault, Institutional Betrayal, and Title IX”, *The Clearing House: A Journal of Educational Strategies, Issues and Ideas* 90:5-6 (2017)

personalities.¹⁸ Morris researched the *Telegram-Tribune* and the *Mustang News*' coverage of the disappearance of Kristin Smart and the murders of Rachel Newhouse and Aundria Crawford and found that the local media chose to highlight mistakes the women might have made, such as drinking, as potential reasons for the crimes committed against them.¹⁹ Megan Olshefski's work on sexual assault at Cal Poly from 1978 to 1999 also proved important to my research. Olshefski follows Cal Poly's approach to sexual assault throughout the decades, and discusses the success of their treatment and prevention methods. For the majority of Cal Poly implemented programs, Olshefski argues them to be a step in the right direction; however, she does recognize the ways in which Cal Poly has placed greater responsibility on the victim rather than the perpetrator.²⁰

My research will expand upon the work by both Morris and Olshefskis; I will argue that Cal Poly and San Luis Obispo place greater blame and responsibility on the victims of sexual assault than the perpetrators. I will explore the ways in which local media, sexual assault prevention methods, and Cal Poly's Title IX office have contributed to a culture where women fear re-victimization if they report their sexual assaults.

Sexual Assault Portrayal in *Mustang Daily*

Mention of sexual assault at Cal Poly began in the 1978 *Summer Mustang*, following a series of four rapes within two months.²¹ The *Summer Mustang* of August 1978, titled "It Happens Here" opened with an editorial piece on caution as a means of rape prevention. Author Jill Hendrickson believed that the previous lack of reported rapes allowed women a false sense

¹⁸ Jacquelyn Morris, "Blaming the Victims: The *Telegram-Tribune* and *Mustang News*'s Coverage of the Disappearance of Kristin Smart and the Murders of Rachel Newhouse and Aundria Crawford," *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (March 2017), pg. 4.

¹⁹ Morris, "Blaming the Victims," pg. 5.

²⁰ Megan Olshefski, "Sexual Assault from 1978-1999 at Cal Poly San Luis Obispo," *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (Spring 2014).

²¹ Bill Morem, "Rape in SLO- It happens here," *The Mustang Daily* (summer edition: *Summer Mustang*), 17 August 1978, 1.

of security, making the women easy targets for rapists.²² Hendrickson argued: “Rape prevention is the responsibility of every women.”²³ A few pages later in the August 1978 *Summer Mustang*, student Mary Rearden reported on the Director of Judicial Affairs, David A. Ciano’s discussion of rape. Ciano admitted that women are reluctant to report rape because they have a minimal chance of convicting their rapist if the woman “...[is raped by] a person she has been dating: [if] she bears no marks of a beating: [if] she has hitched a ride in a man’s car: [if] she struck up an acquaintance with a man in a bar, or was under the influence of alcohol or drugs at the time of the attack.”²⁴ Ciano goes on to suggest women can prevent being rape through being constantly alert, ready to run, and cognizant of spots where men can hide.²⁵

This trend of victimization continued into 1981, when Cal Poly and San Luis Obispo police recognized a drastic increase in sexual assault and rape in the area; the average amount of rapes per year in San Luis Obispo jumped from 6.5 from 1972 to 1980, to 16 in 1981.²⁶ The September edition of the 1982 *Mustang Daily* reported on this frightening increase. Vladimir Milutin’s article, “Preventing and coping with sexual assault”, contained a quote from a rape victim offering advice to other women: “You should be aware there are sick people out there...I trusted people too much.”²⁷

In 1989, the *Mustang Daily* published a five-part series of acquaintance rape. The concluding piece, “Double-dating, self-defense can lower rape risk” was featured in the June 2nd *Mustang Daily*, in which reporter Laura Fleischer interviewed Cal Poly health educator Carolyn Hurwitz. Hurwitz offered up a numerous amount of actions women must take to avoid sexual

²² Jill Hendrickson, “Caution is the key,” *The Mustang Daily* (summer edition: *Summer Mustang*), 17 August 1978, 1.

²³ Hendrickson, “Caution is key”, pg. 1.

²⁴ Mary Rearden, “Safety Dir. Discusses rape”, *The Mustang Daily* (summer edition: *Summer Mustang*), 17 August 1978, pg. 3.

²⁵ Rearden, “Safety Dir. Discusses rape,” pg. 3

²⁶ Vladimir Milutin, “Preventing and coping with a sexual assault,” *Mustang Daily*, 27 September 1982, pg. 4.

²⁷ Milutin, “Preventing and coping with a sexual assault”, pg. 4.

assault, such as: “be more trusting of their instincts, go to public places...on the first date, take self-defense classes, be aware of how much they’re drinking.”²⁸ The article continued to suggest “putting initials in the phone book and on mailboxes instead of a full name...being tuned into clues that might imply the man feels his needs and wishes are above the woman’s.”²⁹

At first glance, the *Mustang Daily* reports on local sexual assault and sexual assault prevention seem beneficial to women; they seem to prioritize women’s safety through numerous preventative suggestions. However, the *Mustang Daily*’s approach is problematic because such a large responsibility for rape prevention is placed on women students, making sexual assault victims feel as though they did not do enough to prevent their assaults. A reluctance to report sexual assault is shaped by assigning more responsibility to the victim than the perpetrator; victims are discouraged by the fear of being victimized. The *Mustang Daily*’s portrayal of sexual assault argues that failing to take preventative steps, such as using initials instead of full names, in effect makes sexual assault the fault of the victim.

Skylar Gin’s Sexual Assault and Experience with Reporting

Similar to the *Mustang Daily*’s portrayal of sexual assault, the ways in Cal Poly deals with sexual assault reports through their Title IX office places a greater focus and responsibility on the victim, without consideration for the emotional trauma the victim has experienced. Dealing with sexual assault reports in this way worsens the mental health of victims, and often adds to their trauma.

Winter quarter of her freshman year, Skylar Gin woke up on a Sunday morning with a hazy memory of the night before, but a painfully gut-wrenching certainty that she had been

²⁸ Laura Felischer, “Double-dating, self-defense can lower rape risk,” *Mustang Daily*, 2 June 1989, pg. 1.

²⁹ Felischer, “Double-dating, self-defense can lower rape risk”.

sexually assaulted.³⁰ Gin, a Child Development major at Cal Poly, had gone out with friends to a party at a Cal Poly fraternity house the night before, when a predator drug had been slipped into her drink. The last thing Gin remembers is being led away from her friends to an isolated room; she woke up hours later in a stranger's bed.³¹

In Spring 2016, Gin confided in her sorority sisters and was shocked to find out that she was not the only girl in her sorority to have been sexually assaulted by Gin's assailant. Encouraged by a SAFER Cal Poly student, Gin filed a complaint against her assailant with Title IX, Cal Poly University Police, and San Luis Obispo Police. Gin was one of seven women to report the same individual, and one of three women who were granted investigations. While Gin considered the Title IX coordinator and the Cal Poly police officer to have treated her respectfully, the San Luis Obispo police office did not treat Gin as kindly. The first time Gin met with an officer named Larry³² to file a formal complaint against the perpetrator, Larry immediately demanded access to Gin's phone and all of her messages. Gin remembers feeling uncomfortable and as though she were the guilty one: "[Larry] immediately asked me what I was wearing [the night of the assault]...after I told him he said, 'That's not even a top.'"³³ Throughout the process of filing and investigation, Gin felt as though the SLO police department did not take her seriously and never considered the emotional trauma she was experiencing; "I hated it [talking to Larry]...It just felt so awful".³⁴

While the Title IX office and University Police treated Gin with more respect than the San Luis Obispo Police Department, both their processes of investigation proved problematic. Cal Poly's Title IX reporting process begins by meeting with a Title IX coordinator. Once the

³⁰ Skylar Gin, interviewed by Joanna Birns. 28 February 2018.

³¹ Skylar Gin, interviewed by Joanna Birns, 28 February 2018.

³² San Luis Obispo police officer, last name wasn't given by interviewee.

³³ Gin, interviewed by Joanna Birns.

³⁴ Gin, interviewed by Joanna Birns.

student has informed the Title IX coordinator about his or her assault, the coordinator can choose to launch an investigation or dismiss the student. Once an investigation is launched, the Title IX coordinator will investigate witnesses and collect evidence. When all the evidence from both sides is gathered, the investigator solely decides the ruling. After Gin met with the Title IX coordinator once, Cal Poly decided to outsource the investigation and hired Liz Paris of Van Dermeyden Maddux Law Corporation—a transition that Gin was uncomfortable with.³⁵ Cal Poly’s ability to outsource a Title IX investigation follows the Education Department’s withdrawal of the 2011 “Dear Colleague” letter, which set guidelines for Title IX investigations and made sexual assault investigation the responsibility of the school.³⁶ The retraction of the 2011 “Dear Colleague” letter allows schools to decide their level of involvement; by Cal Poly choosing to outsource Gin remembers feeling, “that they [Cal Poly] didn’t make my case a priority anymore”.³⁷ Gin also felt as though Cal Poly did not want to take responsibility for her case as she explained, “They tried to really push it as an off campus thing.... Even though it was between two Cal Poly students...at a registered Cal Poly fraternity house. SLO PD shouldn’t have been involved”.³⁸

While most Title IX investigations can conclude after ninety days, a last minute witness submission from Gin’s perpetrator caused the investigation to drag on for six months. During Title IX investigations, both the complainant and the defendant are allowed to submit numerous witnesses and character witnesses. However, Gin does not believe Title IX takes character witnesses into account, considering Gin’s many character witnesses opposed her assailant’s one

³⁵ Skylar Gin, interviewed by Joanna Birns, 28 February 2018.

³⁶ Office of the Assistant Secretary, “Dear Colleague Letter” *U.S. Department of Education*. 4 April 2011. 4

³⁷ Gin, interviewed by Joanna Birns.

³⁸ Gin, interviewed by Joanna Birns.

character witness.³⁹ Gin remembers the length of the investigation to be one of the worst factors: “I just wanted it to be over...I didn’t even care about the decision anymore...which is so sad because I look back and I’m like, he should definitely be gone, but I was so at the point where I just wanted it to be done”.⁴⁰

After Sky gave the Cal Poly police investigator her evidence, her statement, and her all her witness’ statements, the investigator gave Sky two options: either call her assailant and record him confessing to sexually assaulting her, or drop the case. The thought of facing the student who assaulted her greatly worsened Gin’s anxiety and frightened her. The psychological and physical trauma Gin had experienced up to that point was overwhelming; she chose to drop the case rather than damage her mental health any further. Gin’s investigation experience was mentally exhausting, and despite the number of friends she had supporting her during the process, she remembers “being alone, at the end of the day, and having to process everything that had happened and was happening, alone”.⁴¹

Reflecting on her experience with the investigation processes, Gin wishes she had waited to report her sexual assault, or not reported it at all. “They really push you to report it [sexual assault]...but it’s really hard. It drained me... It was heartbreaking to go through all that [investigation process] and for nothing to happen”.⁴² Gin believes her case is an example of why so many sexual assaults go unreported; it is emotionally and mentally taxing to go through the investigation process and have nothing happen.⁴³ A year after her assault, Gin’s trauma has yet to end as her assailant still attends Cal Poly. “It’s really hard...my friends will keep me updated like ‘you CANNOT go on this street...like you are going to break down’...I should be able to

³⁹ Gin, interviewed by Joanna Birns.

⁴⁰ Skylar Gin, interviewed by Joanna Birns, 28 February 2018.

⁴¹ Gin, interviewed by Joanna Birns.

⁴² Gin, interviewed by Joanna Birns.

⁴³ Gin, interviewed by Joanna Birns.

walk on campus safely. I should be able to feel safe on campus...everyone should be able to feel safe at school".⁴⁴

Gin's experience with reporting her sexual assault is emblematic of why many sexual assault cases go unreported. Throughout her reporting process, Gin felt as though she was the one at fault, rather than the victim, feeling targeted by the questions she deemed irrelevant and the prejudices of those conducting her investigations. The investigators who dealt with Gin's case seemed to put greater responsibility on Gin's actions the night of the sexual assault (e.g. what she was drinking, what she was wearing) than the actions of the student who drugged and assaulted Gin. The process, as a whole, was a draining and mentally taxing experience for Gin, and took a toll on her mental health. Although sexual assault is an already traumatizing experience for college women, investigation and reporting methods cause victims added trauma and negativity and discourage women from reporting their sexual assaults.

Sydra Gianassi's Sexual Assault and Experience with Reporting

Sydra Gianassi, a Cal Poly junior studying Animal Science, was, along with Skylar Gin, one of seven women who reported a sexual assault by the same perpetrator. Gianassi was assaulted March 11th, 2017, and filed a report in the following May.⁴⁵ While Gianassi initially engaged in consensual sex with her assailant, she quickly changed her mind as things became violent. Gianassi remembers him forcibly hitting, choking and grabbing her, to the point where Gianassi could not breathe.⁴⁶ Over the course of their three hours of intercourse, Gianassi tried to

⁴⁴ Skylar Gin, interviewed by Joanna Birns, 28 February 2018.

⁴⁵ Gina Randazzo, "Student speaks out about Title IX case involving alleged repeat sexual assailant", *Mustang News*, 2 December 2017, <http://mustangnews.net/student-speaks-title-ix-case-involving-alleged-repeat-sexual-assailant/>, accessed 14 February 2018.

⁴⁶ Gina Randazzo, "Student speaks out about Title IX case involving alleged repeat sexual assailant", *Mustang News*, 2 December 2017, <http://mustangnews.net/student-speaks-title-ix-case-involving-alleged-repeat-sexual-assailant/>, accessed 14 February 2018.

leave multiple times but was grabbed and pulled back by the assailant.⁴⁷ Gianassi finally escaped when she fell asleep. The next morning, Gianassi took photographs of her body, breasts, and neck covered in bruises.

Before Gianassi and Gin's reports against the assailant, he was under investigation by his fraternity, Delta Tau Delta about multiple sexual assault allegations. Once members of the Delta Tau Delta Executive Board informed Gianassi about their investigation, Gianassi decided to submit a report to Delta Tau Delta's judicial council. Delta Tau Delta chose to remove the individual based on numerous amounts of sexual assault complaints against him; following their decision, Gianassi filed an official Title IX complaint. Liz Paris, the outsource lawyer who conducted Gin's investigation, conducted Gianassi's as well.

Paris ultimately concluded that the sexual intercourse and the physical injury inflicted on Gianassi were consensual. Paris based her decision on the belief that Gianassi was on drugs (despite Gianassi never admitting to using drugs), Gianassi's romantic relationship with a Delta Tau Delta member who participated in the fraternity's investigation against Gianassi's assailant, and Gianassi's friendships with mutual friends of her and her assailant. In an interview with *Mustang News*, Gianassi expressed her frustration with Paris's decision: "I felt very victim blamed and I didn't really appreciate that.... When I read [the report], it felt like 'Oh because she still kept hanging out with his friends...it was like 'Oh obviously I wasn't affected by it and I don't believe it.'"⁴⁸ Since her sexual assault, Gianassi—like Gin—has experienced great anxiety at seeing her assailant around campus. Gianassi recalls not going to class and never leaving her

⁴⁷ Randazzo, "Student speaks out about Title IX case involving alleged repeat sexual assailant."

⁴⁸Gina Randazzo, "Student speaks out about Title IX case involving alleged repeat sexual assailant", *Mustang News*, 2 December 2017, <http://mustangnews.net/student-speaks-title-ix-case-involving-alleged-repeat-sexual-assailant/>, accessed 14 February 2018.

house to avoid seeing him, and remembers wondering if she should drop out of Cal Poly and leave San Luis Obispo.⁴⁹

Despite Gianassi's photographic evidence and the numerous amounts of other women who had reported being sexually assaulted by the same individual, the individual has faced not a single punishment. While rumors circulate as to why this is⁵⁰, the investigations have reasoned a lack of evidence for Gin's case and questionable choices for Gianassi's case. Both women reported their sexual assaults in hopes of achieving peace of mind, safety, and an escape from their assailants, but achieved none of this.

SAFER

In addition to the Title IX office as a resource of sexual assault grievances, Cal Poly offers support through their SAFER program. In the 1990's, a group of student volunteers was created as confidential support for sexual assault victims.⁵¹ Cal Poly's SAFER team works to advocate and support sexual assault, sexual misconduct, dating violence or domestic violence victims, as well as educate the Cal Poly student body on these topics. Max Gomez, a recent Cal Poly graduate, worked on SAFER's team from January 2016 to January 2017. SAFER volunteers work closely with Title IX, yet their purpose is entirely different. While Title IX focuses on investigation and reporting, SAFER is about outreach, raising awareness, and supporting victims. As a SAFER volunteer and a student, Gomez understands both the Title IX investigation process and the frustration that has arisen against Cal Poly's Title IX office. In defense of the Title IX office, Gomez explains, "They [Title IX investigators] are tied up legally

⁴⁹ Randazzo, "Student speaks out about Title IX case involving alleged repeat sexual assailant."

⁵⁰ Although it has not been confirmed, it is rumored that the assailant's father is a close friend of Cal Poly president Jeffery Armstrong.

⁵¹ Megan Olshefski, "Sexual Assault from 1978-1999 at Cal Poly San Luis Obispo," *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (Spring 2014), pg. 11.

with miles and miles of red tape.... But they go into this job because they do want to help”.⁵² While SAFER is able to support students without other object, Title IX investigators must prioritize legality. Gomez says the best thing for a victim to do is immediately go to the hospital to be tested for signs of rape or being drugged, but he understands that doing so is often very difficult for victims. While SAFER’s motto is “start by believing”, Gomez says unfortunately that is not enough for the law. “It’s super apparent why these accusations have come out against Title IX.... When they’re [Title IX investigators] gathering evidence, they have to ask a lot of hard questions”.⁵³ Despite understanding Title IX’s defense, Gomez believes there is room for improvement: “If people are having awful experiences with Title IX, they [Title IX] can be doing something better.... There’s something that can be done better”.⁵⁴

Gomez provides insight into the process behind Title IX’s investigation process, and helps to explain why Title IX investigations can seem harsh rather than helpful. However, as Gomez admits, something needs to be fixed. While Title IX procedures can be difficult on sexual assault victims, it should not be an experience that adds trauma or emotional distress to the victims.

False Reports

As discussion of sexual assault has increased, so has opposition and controversy. In “False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases”, a study published in “Violence Against Women”, the authors explain, “within the domain of rape, the most highly charred area of debate concerns the issue of false allegations.... it has been asserted and assumed that women ‘cry rape,’ that a large proportion of rape allegations are maliciously

⁵² Max Gomez, interviewed by Joanna Birns, 2 March 2018.

⁵³ Gomez, interviewed by Joanna Birns.

⁵⁴ Gomez, interviewed by Joanna Birns.

concocted for a purpose of revenge or other motives”.⁵⁵ To disprove this assumption, authors and researchers David Lisak, Lori Gardiner, Sarah C. Nicka, and Ashely M. Cote compared eight studies done on false sexual assault reports.⁵⁶⁵⁷ While the percent of false reports in each study varied slightly, the range was between 2.1% (*The Australian Study*) to 10.9% (*The 1999 British Home Office Study*). The average percent of these studies was 6.2%.⁵⁸

To consider false Cal Poly sexual assault reports, the average percent of false reports in the studies compared by “False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases” can be applied to Title IX statistics from 2015-2016, as released by the Title IX office.⁵⁹ In the 2015-2016 academic year, the Title IX office received 64 complaints, investigated 21 cases, and found the accused in violation in 7 cases.⁶⁰ By assuming 6.2% of these complaints were false reports, we can predict that roughly 4 complaints become false reports and 60 complaints remain real, meaning on 11% (7 of 60) of abusers were held responsible and punished. In the 2016-2017 academic year, the Title IX office received 76 complaints, investigated 23 cases, and found the accused in violation in 12 cases.⁶¹ When assuming 6.2% of these cases were false reports, only 17% of abusers were convicted and punished.

While an argument can be made that the low amount of Title IX convictions is due to a high number of false reports, previous scholarly studies have proved less that 10% of sexual

⁵⁵ David Lisak, Lori Gardiner, Sarah C. Nicksa, Ashley M. Cote, “False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Case.” *Violence Against Women: SAGE Publications*, no. 12 (2010), 1318-1334.

⁵⁶ *The Toronto Study* conducted by Clark and Lewis in 1977, *The Philadelphia Sexual Assault Victim Study* conducted by McCahill, Meyer, and Fischman in 1979, *The 1992, 1999, 2005 British Home Office Study* conducted by Grace, Lloyd, and Smith in 1992, *The Australian Study* conducted by Heenan and Murray in 2006, *The Making a Difference (MAD) Study* conducted by the End Violence Against Women (EVAW) International in 2008, and *The Present Study* conducted by Fisher, Cullen, and Turner in 2000.

⁵⁷ Lisak, Gardiner, Nicksa, Cote, “False Allegations of Sexual Assault”.

⁵⁸ Lisak, Gardiner, Nicksa, Cote, “False Allegations of Sexual Assault”.

⁵⁹ Joe Johnston, “She says he sexually assaulted her. Cal Poly believed him,” *The Tribune*, <http://www.sanluisobispo.com/news/local/investigations/article179767436.html>, 19 October 2017, accessed 10 February 2018

⁶⁰ Johnston, “She says he sexually assaulted her. Cal Poly believed him.”

⁶¹ Joe Johnston, “She says he sexually assaulted her. Cal Poly believed him”.

assault reports are false. Assuming Cal Poly's percent of false reports follows the average of the eight studies examined, a large amount of real cases still go uninvestigated and an even greater amount of cases are concluded without conviction.

Conclusion

Despite being a recent topic of conversation, sexual assault has existed and affected college women for decades. While more resources to help sexual assault victims exist now than ever before, around 90% of sexual assaults still go unreported. To understand why women would rather keep their sexual assaults to themselves than report their perpetrators, the culture surrounding sexual assault and the way a college deals with it must be examined. Since the first mention of sexual assault in a *Mustang Daily*, the *Mustang Daily* has placed great responsibility on women alone to prevent sexual assault through articles describing an extensive amount of ways to prevent sexual assault. The *Mustang Daily's* portrayal of sexual assault makes victims feel as though being sexually assaulted is their fault. Cal Poly's Title IX and police investigations follow a similar assumption, as seen in both Cal Poly students Gin and Gianassi's sexual assault investigations. While going through the investigation processes, Gin and Gianassi both felt as though their investigators judged their statements with prejudice, and came to an unfair and inaccurate conclusion.

The psychological, emotional, and physical effects sexual assault has on a person can lead to a lifetime of trauma and suffering, only to be exacerbated through victim blaming and disbelief. Although the conversation is far from easy, it is important to understand how sexual harassment cases and victims are mistreated in order to prevent this mistreatment from happening in the future.

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