

VPR News

Video By Middlebury Students Calls For Better Handling Of Sexual Assault Cases

By MITCH WERTLIEB & MELODY BODETTE • MAR 31, 2015



Masked Middlebury College students tell their stories of the Title IX process for investigating sexual assault on campus in a new short film.



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A group of Middlebury College students has created a video called "Middlebury Unmasked." In it, survivors of sexual violence appear in masks to tell the stories of what happened to them after the assault.

Colleges and universities have protocol for reports of sexual assault. They follow the guidelines laid out in the Department of Education's Title IX. But these Middlebury students want to raise questions about whether or not that process works the way it was intended.

"They pick apart your story to find consent where there really was none," one woman said in the film. "I felt like I was being punished and it wasn't right," said another. One woman said, "I think it's absolutely ridiculous that someone can punch another person in the face and get kicked out the next day, but if you rape someone else it takes them five months to get kicked out of school."

"We really struggled with how to enable survivors to tell their stories while at the same time protecting their identities because obviously there are some really complicated legal and emotional issues," said Maddie Orcutt, one of the students who worked with the activists on the film.

One of the survivors came up with the idea of using the faces of other Middlebury students to allow survivors to anonymously tell their stories. "I think that's something that's really powerful because, one, using the faces of other students challenges us to think about what sort of bodies and identities can become subject to this kind of violence, but two, using the faces of other students enabled survivors to feel like their community of peers were standing up and witnessing what had happened to them on this campus."

"Using the faces of other students enabled survivors to feel like their community of peers were standing up and witnessing what had happened to them on this campus." - Maddie Orcutt

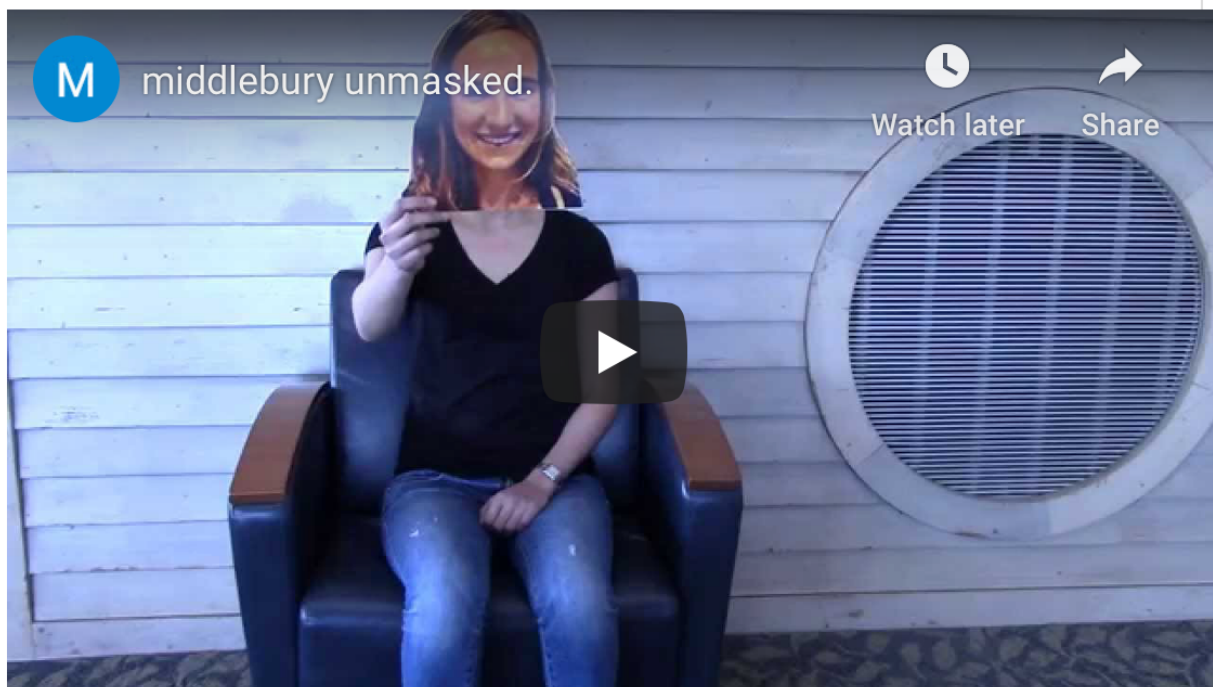
"It also reinforces the idea that sexual assault and sexual violence effects everyone in the community, not just the survivors," said Michelle Peng, another student who worked on the video.

Orcutt said one of the common threads in the video is that compliance with Title IX doesn't mean compassionate interactions with campus administrators. "I think there's a thread that survivors don't feel emotionally supported throughout this process." And she added that the process takes a long time. One survivor reported the process took 145 days. "That's 145 days of sitting by her email waiting for this to be resolved," Orcutt said. They created the video as a way of being heard,

because survivors said they didn't feel like they were heard through the Title IX process.

Middlebury College, in a statement, said they are following the Title IX process, and have moved quickly to adapt processes when guidelines are updated. "We have also gone beyond mere compliance by, for example, adopting a single investigator-based model long before the White House Task Force to Protect Students From Sexual Assault praised the single investigator approach," the statement said.

The students agree that Middlebury is following the guidelines. But Peng said the survivors in "Middlebury Unmasked" don't like that single-investigator model. "Title IX is telling people that the best way to go is to have one person decide the verdict. Currently, Middlebury's system, in addition to a lot of other colleges, they have one individual who is our human resource officer deciding that verdict. But in reality, with a big decision you always have a lot of voices, you always have multiple perspectives and just having one person decide is in my mind very problematic."



"Another thing that is really troubling from the regulation side, from the federal compliance standpoint, not so much from the Middlebury standpoint, is that the

federal law right now is allowing both respondents as well as claimants to have lawyers in the process, in the room," Orcutt said. "And while I think on face that seems like a good thing, what we're finding is situations in which claimants, survivors, do not have representation and respondents do. It's very conceivable that one party could have quality legal representation and another party not have representation and what does that do to the fundamental fairness of bringing these issues forward?"

Often it's an issue of money, and there's no public representation available as there would be in a state judicial process.

Confidentiality is another theme that emerged. Students want the process to be confidential, but some survivors didn't want to sign confidentiality agreements, because that means they can't tell their own story on their terms.

"Signing a confidentiality agreement after the process can very much feel like a silencing agent. When you isolate an individual and tell them not to talk about what happened ... they feel like their bad experience was an outlier, when in reality this was a pattern that was going on with most judicial processes." - Michelle Peng

"Signing a confidentiality agreement, during the process that makes sense, but signing a confidentiality agreement after the process it can very much feel like a silencing agent. When you isolate an individual and tell them not to talk about what happened and their true experience, they feel like their bad experience was an outlier when in reality this was a pattern that was going on with most judicial processes," Peng said.

"I think when we start to see people feeling silenced institutionally is when people are asked to remain silenced after the fact, after their processes have closed and then they're left feeling like they're not even able to speak to their lived experience," Orcutt said.

Peng said the video wanted to show the campus community what sexual assault does to an individual and how responses can be improved. The response from

students, faculty and other community members has been positive, Orcutt said, but they have not received a response from college administrators.

Middlebury College released the following statement in response to the video:

At an event on campus on March 10, students played a video that was produced by several individuals who identified themselves as current Middlebury students. The faces of these individuals were masked in the video.

In the video, the individuals stated their dissatisfaction with how their complaints of sexual misconduct were handled by Middlebury. Unfortunately, Federal law (the Family Educational Rights and Privacy Act) prohibits colleges from commenting on the details of specific disciplinary cases, so we cannot respond directly to the statements made in the video.

While no institution is perfect, Middlebury College has taken a strong stance in its policies and proscribed responses to complaints of sexual misconduct, domestic violence, dating violence, stalking, and related retaliation. We have moved quickly to adapt our approaches when new policies and practices are recommended or required by the Department of Education's Office for Civil Rights or by Congress (although in some cases, we have found that our policies already met or exceeded these requirements). These areas include education, due-process protections for all parties, provisions for confidentiality, rules regarding burden-of-proof standards, and much else. We have also gone beyond mere compliance by, for example, adopting a single investigator-based model long before the White House Task Force to Protect Students From Sexual Assault praised the single investigator approach.

We believe that a commitment to thoroughness and attention to detail throughout these investigations is of paramount importance, and that this is ultimately in the best interest of all involved parties. Nonetheless, we acknowledge how difficult it can be for students to participate in these cases. Of course no process can ensure that all parties to these difficult cases, whether complainants or respondents, will be satisfied with the findings. In fact, it is almost never the case that all parties will be. But we will continue to strive to make our campus a safe and respectful environment, and to ensure that every aspect of our investigation and adjudication processes reflects our dedication to these goals.