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FOR IMMEDIATE RELEASE

Contact:

Caroline Palmer, MNCASA Public and Legal Affairs Manager, 651.288.7445 or 612.978.1936
(caroline@mncasa.org)
or Jeanne Ronayne, MNCASA Executive Director, 651.288.7441 (ironayne@mncasa.org)

Minnesota Coalition Against Sexual Assault Responds to University of Minnesota Sexual Assault Case

The Minnesota Coalition Against Sexual Assault works to amplify the voices of victims and survivors of sexual violence across the State of Minnesota. MNCASA represents over 60 sexual assault victim services programs statewide.

We express our empathy and support to the University of Minnesota student who came forward to report a sexual assault involving several student athletes. We encourage the media to acknowledge the impact on victims, and to use this opportunity to educate the community about the dynamics of sexual violence as well as the vast differences between the criminal justice process (charging decisions made by a prosecutor) and the civil process which occurs on college campuses nationally.

We thank the University of Minnesota for diligently applying federal guidelines regarding sexual assault. The school has correctly placed the investigative process front and center.

Recent media reflects a variety of misunderstandings of the laws relating to sexual assault:

- There are many reasons prosecutors decide not to charge an alleged perpetrator and the lack of criminal charges doesn't mean a sexual assault didn't occur. It simply means that after reviewing the evidence provided by law enforcement, a prosecutor determined they could not prove the case beyond a reasonable doubt. Beyond a reasonable doubt is the same standard used in criminal cases across the United States. It is an intentionally high standard because a defendant's constitutional rights are at stake. Criminal sexual conduct is often difficult to prove, and it is not uncommon for a prosecutor to decline charges.
- A campus-based investigation is separate from a potential criminal prosecution. It uses a preponderance of the evidence standard (the conduct is more likely than not to have occurred). The University of Minnesota Office of Equal Opportunity and Affirmative Action (EOAA) thoroughly investigates the alleged misconduct, including a review of all the evidence and questioning of the witnesses. In this case, after reviewing the EOAA's investigation and report, the Office of Student Conduct and Academic Integrity (OSCAI) imposed a suspension of the student athletes. If either party disagrees with this decision, there is a process for requesting a formal review and hearing of the case, and a further opportunity to appeal.
- While there is an increased understanding of sexual assault in our society, victim/survivors are still subject to significant levels of blame and disbelief, especially when the person(s) identified are in high profile positions (athletes, celebrities, politicians). Fear of how the case will affect the defendant's life is often given more attention than the harm done to the victim/survivor.

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