



Pumphrey Law – Scholarship Essay

Topic: Should defendants of University Title IX accusations be entitled to a more-fair process with the University?

In an academic setting, Title IX protections serve to prevent discrimination on the basis of sex. In collegiate communities, the role that Title IX plays is actually quite complex and often divisive. It's an unfortunate reality that sexual assault is common on college campuses across the country. Accusations of sexual assault are unique because they have a substantial impact on both parties involved. Victims are violated in a way many of us cannot and never will fathom and, considering these circumstances, perpetrators of such heinous crimes are often prosecuted to the full extent of the law – as they should be. Unless, of course, they aren't guilty. Another awful crime, although not generally considered as disgraceful, is a false accusation of sexual assault. The effects of false accusations have long-term, detrimental impacts on those who are wrongly accused. Maintaining and improving the integrity of the Title IX process is vital in order for colleges to ensure accuracy and justice for all. Fairness in this process is a basic right and should be guaranteed, regardless of circumstances or surrounding controversies.

“Even doubtful accusations leave a stain behind them.” — Thomas Fuller

College campuses are disproportionate contributors to sexual assault cases in the United States and, historically, have had a reputation for eliciting false accusations. False accusations are commonly used as a revenge tactic by individuals who are upset – the decision

to make a false accusation is often made with the intention of damaging a reputation. This tactic is particularly successful as a result of the role that media has in today's society. The influence that media and technology have on the Title IX process is substantial. Those who are accused of a crime are commonly portrayed as guilty until proven innocent. In an attempt to elicit a passionate public response, a one-sided narrative is manufactured. For this reason, it's nearly impossible to have an unbiased proceeding. The release of misinformation and improperly vetted claims often contribute to an unfair process. External factors such as biased media consumption only serve to further polarize the community, preventing the opportunity for a fair Title IX process. Because of the severity of the crime, society looks down on those who are accused of sexual assault. Once a reputation has been tarnished, the damage is done and practically irreversible. Even if a retraction does occur, these individuals are still subject to many unwarranted consequences – employers are hesitant to hire someone with a questionable background, peers ostracize them, and their personal relationships suffer. When checks and balances aren't properly implemented, it's easy for an individual to fall victim to this pattern of injustice. When charges are cleared, there should be strict guidelines followed in order to remedy these effects.

“Delay in justice is injustice.” — Walter Savage Landor

A restructure of the Title IX investigation and decision-making process is necessary in order to guarantee fundamental rights for defendants. There are stricter, more substantial guidelines for crimes and accusations that have less impactful consequences – this is unacceptable. At institutions across the country, a handful of defendants are in the process of employing a class action lawsuit strategy. This strategy is being implemented in order to

combat the fundamentally flawed guidelines associated with sexual assault reports on college campuses. This technique is groundbreaking because it will allow traditionally overlooked defendants to receive representation. Fighting a sexual assault allegation is a large financial undertaking – a class action strategy will remove this barrier, encouraging a fairer process. Every victim of sexual assault should have an opportunity to have their experiences heard and taken into consideration. Similarly, those who aren't guilty should have an opportunity to defend themselves and substantiate their own claims. Unfortunately, the current design of the disciplinary action process has many limitations and does not commonly provide this for those who are subject to its punishments and consequences.

“Whoever is careless with the truth in small matters cannot be trusted with important matters.” — Albert Einstein

Universities should be held accountable for their role in the Title IX process – the onus is on the academic institution to facilitate disciplinary procedures that yield accurate, reliable results. A uniform investigation and decision-making process is essential in order to encourage a healthier dynamic between defendants and university systems. Institutions should always strive to develop a fairer process – Title IX cases should not be an exception, especially when the consequences of these allegations have substantial impacts on every person involved. In California, students are engaged in an effort to secure better due process rights for those accused of sexual assault. Defendants, along with their attorneys, are simply asking that more thought and consideration be given when processing Title IX complaints. These individuals are paving the way for a restructure of the inherently biased Title IX decision-making process. This emerging strategy has the potential to yield impressive results and will hopefully lead to better collaboration between institutions, law enforcement agencies, and defendants.

References

“The Unseen Impact of False Allegations in Sex Crimes” Pumphrey Law, Don Pumphrey Jr.
<https://www.pumphreylawfirm.com/blog/the-unseen-impact-of-false-allegations-in-sex-crimes/>

“Why Do Universities Investigate Sexual Assault?” Pumphrey Law, Don Pumphrey Jr.
<https://www.pumphreylawfirm.com/blog/universities-investigate-sexual-assault/>

“Students accused of sexual harassment sue California universities” Los Angeles Times, Teresa Watanabe
<https://www.latimes.com/california/story/2019-08-02/california-universities-face-class-action-suits-by-students-accused-of-sexual-harassment>

“The Realities of Sexual Assault on Campus” Best Colleges, Courtney Smith-Kimble
<https://www.bestcolleges.com/resources/sexual-assault-on-campus/>