

# College Sex Assault Investigations Are Scary

Grant Neal was in a bind. The sophomore athlete was being investigated by officials at Colorado State University-Pueblo for possible violations under Title IX—the federal statute that universities use to investigate students suspected of sexual misconduct.

The allegations stemmed from a relationship Neal had with an athletic trainer. The trainer, identified as Jane Doe in a lawsuit, [denied any assault took place](#): “I’m fine and I wasn’t raped.”

Neal and the alleged-victim were forbidden to make contact during the investigation, but according to *Reason* magazine, who recently met with Neal, Jane Doe “paid little heed to the no-contact order and sent Neal several supportive messages.”

Neal, concerned the messages could get him into further trouble, reached out to the official leading the investigation, Roosevelt Wilson, who asked Neal what messages he had received. Neal told him ([Via Reason](#)):

*“I said, well, she’s snapchatted me, what do you want me to do? He told me to open [the snapchat messages] and take a screenshot and send them to him, so I did that,” he said.*

*This turned out to be bad advice.*

*“[Roosevelt’s] email response back to me was, you could potentially be in complication with your no contact order for opening the snapchats that she sent you,” said Neal.*

Just to be clear on this point, the official tasked with investigating Neal for rape—a crime the alleged victim said had never happened—instructed Neal to open the message from

Jane Doe. Later, that same official told Neal he was likely to face discipline for opening said message.

Neal's story is well-known. He was suspended by the school for sexual misconduct and currently is [suing the U.S. government for gender discrimination](#).

But how many Grant Neals exist out there? We have no idea.

What we know is that the number of Title IX complaints is soaring (though [largely hidden](#) from public view); that universities are poorly equipped to handle the investigations; and that the accused often are presumed guilty and have little due process, in contrast to courts of law.

Take, for instance, the saga of Brandon Winston, whose accuser was featured in the 2015 documentary *The Hunting Ground*. The Harvard law student's tale can be found at [the Brandon Project](#), where one can spend an entire afternoon reading [case facts](#), [documents](#), and [evidence](#).

Here's the short version: Winston and two female friends start drinking Baileys and hot cocoa, move on to whiskey cokes, and then go out dancing. They briefly end up in bed together. Kissing ensues. Winston sleeps alone on a roommate's bed. The next day, he is accused of rape. (Emily Yoffe's [article](#) at *Slate* is recommend reading. Kamilah Willingham's version of events can be found below.)

Winston was exonerated of felony charges with the help of DNA evidence (the condom thought to implicate him had on it the DNA of Willingham and another man); he returned to Harvard in September 2015 after a four-year absence.

Winston was aided by the criminal justice process, which offers due process and a relatively impartial hearing. The kangaroo courts at universities often offer no such thing, which is why 28 members of the Harvard Law School Faculty [penned an open letter](#) condemning the college's system. They cited the following reasons:

- *The absence of any adequate opportunity to discover the facts charged and to confront witnesses and present a defense at an adversary hearing.*
- *The lodging of the functions of investigation, prosecution, fact-finding, and appellate review in one office, and the fact that that office is itself a Title IX compliance office rather than an entity that could be considered structurally impartial.*
- *The failure to ensure adequate representation for the accused, particularly for students unable to afford representation.*

Since the Winston saga we've seen an explosion of Title IX complaints. The University of Tennessee, for example, recently reported that the number of complaints "more than doubled in the last year, **and has risen more than 100 times what was reported in 2013,**" [according to](#) a recently published *Knoxville News Sentinel* article.

We all know the modern campus culture. People party and it's not uncommon for complete strangers to stumble home together. Miscommunication and worse happens. If a dispute arises, things can get messy fast. If authorities are involved, they often have little to go on but "he said, she said" testimony.

Professors Christopher Wareham and James Vos recently argued that rape is such a bad crime that those accused of it should [not have the benefit of reasonable doubt](#), since it's a difficult threshold to meet in such cases.

I can think of few things worse than being raped, but one thing that might be worse is being falsely accused of rape and not having the benefit of due process to mount a defense before an impartial judge or jury.

If universities are allowed to continue using a system that denies the accused fair and impartial hearings, I fear we'll see many more young people like Grant Neal and Brandon Winston accused of crimes they did not commit. And many lives will be upturned as a result.

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