



NEWS TICKET | UCSD

Judge says "regret" at root of rape case

UCSD student exonerated of sexual assault charges

By Dorian Hargrove, July 13, 2015



Administrators at the University of California San Diego failed to properly investigate sexual assault allegations against a male student and increased sanctions against him for appealing their decision, ruled superior court judge Joel Pressman on Friday, July 10.

A female student accused the 20-year-old male, known as John Doe, of inappropriately touching her on the morning of February 1, 2014. The male student denied these allegations and later told an officer who was investigating the accusations that the two had had sex both the night before and after the alleged touching occurred. However, John Doe's statements to investigating officers, as well as other evidence, was not allowed to be presented during the Title IX sexual misconduct hearing.

"The Court finds that substantial evidence does not support the finding of non-consensual sexual activity," reads judge Pressman's July 10 ruling. "First, as stated above, crucial findings...were based upon [the officer's] investigation summary that was not presented at the hearing in any meaningful way. Given the fundamental unfairness of relying on this report without a meaningful opportunity for petitioner to challenge its contents, the court has no choice but to exclude the report from consideration in evaluating whether substantial evidence exists to support the conclusion."

Furthermore, ruled Pressman, "The only evidence presented in any meaningful way at the hearing was the testimony of [the woman].... Additionally, Ms. Roe admitted that she voluntarily continued consensual sexual activity with Mr. Doe later that very same day. The court is not weighing Ms. Roe's credibility. But the incident on the morning of February 1, cannot be viewed in a vacuum. When viewed as part of the entire narrative, the sequence of events do [sic] not demonstrate non-consensual behavior. What the evidence does show is Ms. Roe's personal regret for engaging in sexual activity beyond her boundaries."

Judge Pressman simultaneously found that the school's dean Sherry Mallory and the council of provosts increased the period that John Doe would be suspended from school each time he tried to appeal the board's decision.

Initially, the Title IX panel ordered that John Doe serve a semester suspension, avoid any contact with the woman, sexual harassment classes, and counseling. Doe, however, appealed their ruling to Mallory. In response, Mallory increased his suspension from a semester to an entire year, forcing the student to reapply to the school. The student then appealed to the council of provosts. They denied his appeal and added an additional semester to his year-long suspension.

"Given the lack of rationale by both Dean Mallory and the Council of Provosts for the increased sanctions, it appears the increased sanctions are punitive towards Petitioner for appealing the decision of the Panel," ruled Pressman.

The handling of sexual assault investigations has come under increased scrutiny at colleges across the country. Title IX grants colleges the authority to investigate and conduct hearings on alleged assaults. The hearings are not criminal hearings, but school administrators do have the authority to expel students.

In April 2015, a [male student at San Diego State University](#) filed a lawsuit against the school for expelling him after a female student accused him of forced copulation. According to the complaint, the student, Francisco Sousa, was not allowed to provide text messages and other evidence that proved his innocence. He has since filed a claim with the California State University's risk management department, a prelude to a lawsuit.

Attorneys for the UCSD student celebrated Pressman's decision as a step in the right direction.

"It's encouraging to see courts recognizing that sexual misconduct complaints on campus cannot be resolved at the expense of Constitutional rights and fundamental fairness," said Mark Hathaway, an attorney for John Doe in a statement.

"Colleges and universities must treat all students fairly, regardless of gender. All too often the male student is just presumed responsible and given no access to any campus resources. Hopefully Judge Pressman's ruling will help correct the imbalance."

[f](#) Facebook [t](#) Twitter [s](#) Share [e](#) Email [l](#) Letter to Editor [p](#) Pin it

MORE FROM SDRADER

More stories by Dorian Hargrove

Judge says "regret" at root of rape case — July 13, 2015

COMMENTS

0 Comments

Sort by [Oldest](#)

THE LATEST

BLURT MUSIC NEWS

Coffee music

Daniel Charlson unveils his all-vinyl Dark Horse Coffee Records

Ken Leighton 8 a.m., Nov. 21

Best and worst of times for Soon-Shiong

U-T owner's biotech tanks; Times hiring soars; Viesselman out

Matt Potter 3:30 p.m., Nov. 20

CLASSICAL MUSIC

Steven Sloan apes Leonard Bernstein

He had already trampled Copland's Appalachian Spring

Garrett Harris 2:30 p.m., Nov. 20

COLLEGE AREA | FEAST RESTAURANT REVIEWS

Order one of everything

Deli cookies to inspire a sweet tooth

Ian Anderson 1:30 p.m., Nov. 20

MISSION BAY | NEIGHBORHOOD NEWS

Van love on Mission Bay

You can still customize

Mike Madriaga 12:30 p.m., Nov. 20

NEIGHBORHOOD NEWS | NORTH PARK

Smells bad on 30th and University

New lessees watch and wait

David Batterson 11:30 a.m., Nov. 20

DEL MAR | NEIGHBORHOOD NEWS

Love and theft in front of the Americana

Del Mar duo almost got the bike

Eva Knott 10:30 a.m., Nov. 20

[More news & stories](#) | [Site comments](#)

ENTER TO WIN!



Win a Pair of Tickets to See Andre Nickatina



[Follow @sdreader](#) 19.6K followers [Like](#) 122K

▼ MOST E-MAILED STORIES

[Mike Schaefer, 80, running for office again](#)

[Scooters on the Coronado bridge](#)

[Photogenic mole enchiladas](#)

[Birthday bonfire in Kit Carson Park](#)

► MOST COMMENTED

► WRITE A STORY FOR US

Add a comment...

 Facebook Comments Plugin

SIGN IN TO COMMENT

Username

☒ I have an account.

☐ I'm new.

Password [Forgot?](#)

[Sign in](#)

Or login with:

[Connect to Facebook](#)

[Connect to Twitter](#)

[Connect to Google](#)

[Home](#) | [About](#) | [Contact us](#) | [Advertise with us](#) | [Site map](#) | [Privacy](#) | [Terms of use](#) | [Digital edition](#) | [Mobile site](#)

FEATURES

[Archives](#)
[Article list](#)
[Authors](#)
[Covers](#)
[Latest stories](#)
[Special Issues](#)

HAPPENINGS

[Art](#)
[Concerts](#)
[Contests](#)
[Event listings](#)
[Movie showtimes](#)
[Theater](#)
[Travel](#)

FOOD & DRINK

[Bars & clubs](#)
[Beer news](#)
[Booze news](#)
[Food & drink events](#)
[Happy hours](#)
[Restaurants](#)
[Restaurant reviews](#)

STAY IN TOUCH

[Comments](#)
[Letters](#)
[Newsletters](#)
[Site feedback](#)

COMPANY INFO

[Special Issues](#)
[Reader City](#)
[Reader Digital Agency](#)
[Reader Tickets](#)

© 2018 San Diego Reader. All rights reserved. No part of this site may be reproduced without our written permission.