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# How the UC system will fight sexual misconduct



University of California President Janet Napolitano is seen at an event on expanding college opportunity in the South Court Auditorium of the Eisenhower Executive Office Building, next to the White House on January 16, 2014 in Washington, DC. MANDEL NGAN/AFP/GETTY IMAGES

Eliza Mills | AirTalk® | September 18, 2014

A 29-member UC task force unveiled new guidelines for fighting campus sexual misconduct. Their recommendations include education for students, faculty, and staff, a system-wide website for information and reporting, and a confidential, independent, advocacy office with counselors available to victims.

UC President Janet Napolitano said that the message is simple, "We will not tolerate sexual assault on our campuses." The UC guidelines have been praised by advocates, who cite high rates of assault on college campuses in California and nationwide as an issue that needs more attention.

A bill from California Senator Barbara Boxer makes similar recommendations that would extend to all colleges and universities that receive any federal funding -- most campuses nationwide. "We call for establishing an independent, on-campus advocate to support survivors of sexual assault at every UC campus and frankly every campus in California, and the country," said Boxer.

Boxer honed in on what she describes as "an epidemic," highlighting the fact that "one in five women is assaulted in her lifetime, one in 20 men." She also expressed the need for better prevention and the end of the epidemic, but said that a campus advocate will fill a necessary role in the interim.

Senator Boxer also argued that there is no need to provide an advocate or counselor to the accused, saying, "This is for victims, I don't want to spend taxpayer money giving an advocate to someone who has assaulted someone." Boxer focused on wellness treatment, crisis counseling, and medical resources as part of what the campus advocate would provide for survivors.

But critics of the new recommendations argue that it is unfair not to offer the same education, counseling, or resources to the accused. Los Angeles defense attorney Mark Hathaway has represented college and university students accused of sexual assault, and said that, "It's very important that we not use the government, whether it's the Senator or California law, to take away important civil rights of the accused."

Hathaway argued that there's frequently an assumption when someone is accused of sexual assault that they are guilty. Hathaway said that because UC system is publicly funded, resources should be used equally.

Task force member and UCLA Student Wellness Commissioner Savannah Badalich disagrees. She said that the task force determined that the thing more glaringly lacking from the UC system's ability to handle sexual misconduct on its campuses was a campus advocate.

"When I was assaulted," she said, "I Googled sexual assault at UCLA and I had nowhere to go." There was just a website with information, and a convoluted instruction to visit a counseling office. Badalich said many students don't report assaults, and cited fear of being blamed for the assault as a main reason why.

Badalich also argued that the current education model related to alcohol needs to be changed. She said mandatory education for students about alcohol and binge drinking and uses sexual assault "as a side note," making the point that, "If you don't

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binge drink, and if you don't go out at night, you won't be sexually assaulted."

"We should not be conflating alcohol education and sexual assault prevention, but in consent education you should be definitely talking about how you can not give consent if you're inebriated," Badalich said.

Badalich added that risk reduction techniques don't work and don't address the heart of the problem: "alcohol doesn't cause sexual assault, assaulters cause sexual assault."

Mark Hathaway contended that alcohol should be a part of the dialogue. He said most of the cases he sees involve two students who were inebriated, with only one bearing the risk of a sexual assault charge.

Alongside alcohol education, Hathaway stressed the importance of increasing awareness about the benefits of reporting. "Days or weeks later isn't really a problem, you have witnesses who are still around, text messages, video cameras that can be obtained, the evidence really isn't lost. The problem becomes six months, a year [...] I think part of the education process should be to encourage men and women and others who are victims to come forward immediately and have a safe place to do that, which I think the UC system is attempting to do here."

Hathaway made the point that early reporting is crucial to the cases of both the survivor and the accused, who have better access to key evidence and witnesses.

Savannah Badalich is optimistic about the new guidelines and the continued process of evaluation. The second phase of recommendations from the UC task force are expected to be released in July 2015.

How will the UC's recommendations change campus culture? What are the most effective ways to address campus sexual misconduct?

#### GUESTS:

**Barbara Boxer**, democratic senator from California

**Mark Hathaway**, private defense attorney in Los Angeles who has represented students and others accused of sexual misconduct

**Savannah Badalich**, UC task force member, Student Wellness Commissioner at UCLA, founder of advocacy group 7,000 in Solidarity, and sexual assault survivor

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