

INVESTIGATIONS

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SEXUAL ASSAULT AT IU
IDS INVESTIGATES

“Under FERPA, a school must provide an eligible student with an opportunity to inspect and review his or her education records within 45 days following its receipt of a request.

A school is required to provide an eligible student with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the student from obtaining access to the records.

A case in point would be a situation in which the student does not live within commuting distance of the school.”

The Family Educational Rights and Privacy Act Guidance for Eligible Students, U.S. Department of Education

Limits of the law

By **Tori Fater** | vrfater@indiana.edu | @vrfater

Sexual assault survivors say restrictive campus and legal policies meant to protect privacy cost them closure and may re-open emotional wounds.

In a private room within the Office of Student Ethics, Rachel relived the moments when she was raped in a campus fraternity house.

Across a study table from her, an investigator sat and monitored Rachel while she read the contents of a disciplinary file that included a personal statement about the encounter from her rapist.

She could only get through one sentence of the man's account before closing the file and pushing it back across the table, too angry to finish.

Rachel, now an IU junior, was sexually assaulted her freshman year and decided to pursue a sexual misconduct hearing through the IU Office of Student Ethics. She spoke to the IDS and asked that she only be identified by her first name because her rapist returned to campus this year after being suspended.

Several times before the hearing, she reviewed materials in a judicial file that collected all the information from the investigation. Rachel wanted a chance to read the personal statements in the comfort of her home, without supervision. She wanted to discuss the information openly during a phone call to her sister for advice.

“I just honestly didn’t want to read it there,” Rachel said. “It was just super uncomfortable for me, and that’s something I would’ve rather read in private.”

But the office staff couldn’t let her take a copy home with her. An IU



PHOTOS BY TAE-GYUN KIM | IDS

Top During misconduct hearings, complainants and respondents each sit on one side of a divider with advocates who advise them through the process.

Bottom Jason Casares, associate dean of students, says complainants and respondents in campus sexual misconduct investigations have equal opportunities to review investigation materials but can’t take copies home.

policy prohibits students — including those who report or are accused of sexual assault — from obtaining copies or taking photos of disciplinary files that include identifying information about other students. Rachel could only look at the judicial file for her own case during certain hours of the day and under supervision in the Office of Student Ethics.

IU’s policy is in line with that of other universities and follows federal law on the curation of student records, but some sexual assault victims say the policy works against them.

Students such as Rachel and Jen Miller, a 33-year-old IU student who was sexually assaulted two and a half years ago, said restricted file access costs them closure and could re-traumatize some victims by only allowing them to work through the information under supervision.

Though this policy is meant to protect students’ privacy, it means victims no longer have control over their own information. Once a sexual assault is reported to the Office of Student Ethics, that information effectively belongs to IU, not the student who submitted the complaint, Associate Dean of Students Jason Casares said.

Under the Family Educational Rights and Privacy Act (FERPA), federally funded universities such as IU are required to allow students access

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