

SUNDAY FORUM

SECTION

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Just off campus, a house party, an offer of a ride home,
two students in a back seat, two lives changed forever

BUT WAS IT RAPE?

SHE SAID

In the early hours of Feb. 3, 2008, on a street less than a mile from her Xavier dorm, Emily Vassil says she became a statistic – the one of every five women who, according to the U.S. Justice Department, is raped during a five-year college career.

HE SAID

He says what happened was consensual, an innocent act that cost him his athletic scholarship and got him suspended from school.

In the year since, the two fought through charges and denials. On campus, a disciplinary board determined he was responsible for a sexual attack, but Cincinnati police found insufficient evidence to charge him with a crime. He moved back to Florida and wouldn't be interviewed for this story, referring questions to his lawyer.

Vassil was so distraught that she left Xavier for a while, too. Now she's back, organizing sexual-assault awareness efforts and struggling to get on with life.

Of all the worries facing college students, rape may be the most frightening and emotionally draining. Rarely is prosecution of a rape charge successful. Most often, cases drag on, reputations are ruined and feelings of safety and innocence are destroyed.

The Enquirer interviewed dozens of people involved in this case, including Emily and her family, the man's lawyer, Xavier administrators and city police to learn what happens after rape is reported. Those interviews and a review of police reports, e-mails and letters and audio recordings reveal a system that often satisfies no one.



Emily Vassil, a sophomore at Xavier University, outside the house where she accepted a ride home from a party, leading to an incident she described as rape.

By Lori Kurtzman ■ lkurtzman@enquirer.com

There are two stories about what happened that night, inside that car, after he'd agreed to drive her home.

His was simple: They fooled around.

Hers was crushing: It was rape.

"I do not think I will ever be the same," she'd say later. "I don't know that I will ever recover."

It was a charge that unleashed a series of consequences they couldn't have expected. In the end, so much would change – lives would be shattered, friendships destroyed, futures altered. They'd both leave school, for different reasons. He'd lose his scholarship. She'd be afraid to lock eyes with a man.

But none of this had happened yet. Now, the night was just starting.

Needing a ride home

It was Feb. 2, 2008, a snowless evening when the temperature dipped to 25 degrees.

Emily Vassil was a freshman at Xavier University, having come here from Richfield, a small village between Cleveland and Akron. She loved volleyball and her friends, worried about her grades. Her hair was long and dark, her fingernails painted a bright red.

She was 18 and headed to a house party.

The party was a 10-minute walk from campus, on Potter Street, in a neighborhood of overgrown lawns and weathered houses. Vassil and five of her friends strolled up to a big red brick home where a bunch of athletes split the rent. The place was packed.

She pushed her way through the crowd, spotting a few friends, recognizing some soccer players, some golfers. She sipped one beer, then cracked another, the only two drinks she'd have that night. The hours slipped by. Her girlfriends decided to leave, so Vassil arranged to have a male friend walk her back to her dorm.

They agreed to meet by the kitchen at 1:30 a.m.

Vassil began feeling ill a little after 1 a.m. She called her friend, hoping he'd leave early, but she only got his voicemail. She wandered the house, hoping to spot him.

She found the soccer player instead.

They'd spoken before. He was cocky but likeable, a Florida native with curly dark hair and a huge smile. He'd asked for Vassil's number, and she'd given it to him, but she never got the feeling he especially liked her. Still, she explained the situation and he offered to help.

I'll give you a ride, he said.

Weeks later, in a statement he wrote at Xavier's police station, he said this:

"I went with the (sic) Emily Vassil to

my car after we met each other at a party. We spent time together in the car. I never ever did anything that she was against. I told her before hand I don't want to do anything that you don't want to do. Afterwards, we went back to the party."

Vassil's version begins the same. It ends much differently. She says she got into a black Saab with the man, and he drove down Potter and turned left when she told him right. He pulled over on Woodburn Avenue, just a block and a half away from the house party, and turned to kiss her.

She didn't object. They crawled into the back seat with the engine still running and kissed some more. But things were moving fast, and Vassil started to feel uncomfortable. She looked up at him, she said, and told him she didn't want to have sex.

That's when he pressed down on her shoulders, she said. That's when he swore at her, told her to shut up, tore at her pants and forced himself onto her. She was frozen in fear, she said, paralyzed by what was happening.

"Never, ever did the thought even cross my mind," she said.

It didn't last long, maybe a few minutes. He jumped off her when he got spooked by a passing cop car. He drove back to the party without a word, she said, then disappeared into the crowd.

Vassil, meanwhile, was frantic. Tears ran down her face. She bent over and vomited. Then she ran home, down the dark street she feared, all alone.

Two hours later, she sat in the Xavier police station, telling the story she would repeat hundreds of times. She'd learn quickly how difficult it would be to get people to believe.

How to explain it

Hoping to encourage reporting – and, more importantly, empower victims – Xavier faculty members Christine Anderson and Carolyn Jenkins created Xavier's Advocate Program in 2003. Their idea bloomed into a nationally recognized program so integral to the university that the campus police station dedicates an entire room for private advocate-victim discussions.

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Alcohol often tied to sexual abuse cases

By Lori Kurtzman
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About 3,500 sexual assaults are reported each year to U.S. colleges and police – less than 5 percent of the actual number, according to a U.S. Justice Department report in 2005.

Victims are discouraged from reporting for numerous reasons: They might be traumatized, ashamed or fearful of revealing that violations of campus drug or alcohol policies also were involved.

In some cases, campuses "unintentionally condone victim-blaming by overemphasizing the victim's responsibility," the Justice Department said.

In the vast majority of cases, the people involved have been drinking and know each other.

"Alcohol is the No. 1 date-rape drug," says Alison Kiss, director of programs for Security on Campus Inc., a national organization aimed at preventing college crime.

Luther Smith, dean of students at Xavier University, estimates that alcohol precedes most sexual attacks and is involved in nearly 98 percent of cases at Xavier.

"We've had a bunch of cases where a girl becomes highly intoxicated and wakes up the next morning in someone's bed," Hamilton County Prosecutor Joe Deters says. "They're very, very hard cases to prove."

As required by federal law, all major colleges and universities in Greater Cincinnati and Northern Kentucky must provide the public with crime statistics, including figures related to sexual assaults. They're also required to develop policies to both prevent sexual assault and care for victims.

The University of Cincinnati's guidebook details the steps a student should take after an assault, from medical care to prosecution to counseling.

The College of Mount St. Joseph defines "consent" six ways and outlines what happens once a sexual assault is reported.

Miami University police have posted an online Q&A on sexual assault that in-

Forcible sex offenses reported 2005-07

Institution	Reported offenses	Fall 2008 enrollment
Xavier Univ.	11	6,646
Univ. of Cincinnati	30	29,617
Cincinnati State	1	8,145
Miami Univ.	19	16,431
Gateway Community	0	About 16,000
N. Kentucky Univ.	5	About 15,000
Thomas Moore	0	1,500
Mount St. Joe	1	2,300

Source: U.S. Office of Postsecondary Education Campus Security Data, Ohio Board of Regents, individual institutions

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cludes such questions as "Will my parents be notified of my report?" and "I am not yet 21 years old and had been drinking. Will this be held against me?"

No college claims to have perfected its response.

Even UC's "student-friendly" process has room for improvement, says Amy Howton, the sexual assault response coordinator in the Woman's Center.

"I know that there have been cases even here at UC where students didn't feel like their cases were handled sensitively," she says.

Was Emily Vassil's case handled properly?

Vassil doesn't think so, but the man she accused of attacking her doesn't think he got a fair deal, either, according to his lawyer, John Heilbrun of Cincinnati.

Xavier administrators say they followed the proper steps of a system that has improved over the years with the addition of a victim advocate program.

Still, leaders of that advocate program say some at the university believe Vassil's case could have been managed better.

"We still do a better job than most places, even when we goof up," says Carolyn Jenkins, associate professor of social work.

EDITORIAL: Serious charge of rape deserved a serious – and immediate – response from Cincinnati police. **F2**