

# Emily: One woman's lonely ordeal

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Graduate student Jessica Twehues would become Vassil's advocate. She got the call at 4 a.m. Feb. 3, 2008, about a reported rape and joined Vassil at University Hospital. They sat and waited for a forensic nurse to arrive to collect any evidence of a rape.

Advocates like Twehues are doctoral students in psychology who are trained and available around the clock to meet with victims, help them get treatment and talk about their options. When a student reports a rape, Xavier police immediately notify the advocate program, Chief Michael Couch said.

Twehues introduced herself to Vassil and asked a few basic questions. Vassil seemed to be in shock. "Emily did not say much to me," Twehues said. "She did not say much in general."

Twehues waited as Vassil disappeared into a room, where a nurse examined her and bagged her torn jeans. When she re-emerged, Twehues handed Vassil her business card. She wouldn't hear from her for several days.

Back at the Xavier police station, Vassil gave officers more details about the man she said attacked her. She said he got scared and jumped off her when a Xavier police SUV stopped and ran the tags on their parked car.

By now, eight hours had passed. Vassil was exhausted.

She looked over two forms on a desk in front of her before she left the station. "I hereby instruct that I do not wish any investigation/action taken regarding this matter," they read.

It was almost 10 a.m. Vassil signed her name at the bottom of each page and returned to her room. She slept until dinner.

## Opinions differ

Vassil and Xavier police chief Couch dispute what happened at the station.

Vassil said she was provided the two "Request for No Action" forms by an officer. She isn't sure why she signed them. They were just put in front of her.

Couch said she would have to specifically request them.

Vassil said Couch told her most sexual-assault victims at Xavier handle their cases within the university rather than through the Hamilton County criminal justice system.

The chief denied saying that. "I don't have conversations like that," Couch said. "The worst thing we can do is try to point a survivor in any kind of direction."

Regardless, Vassil pressed forward with the university and the city police.

On Feb. 6, at Couch's urging, she called the man she said raped her, trying to get him to admit that something happened. They recorded the call that evening at the Xavier police station. During the conversation, he apologized several times but disagreed with Vassil's version of events.

**Him:** "I don't think that's what I did at all, to be honest. That kind of - that made me upset that, like, you would accuse me of that, you know? 'Cause that's, like, something serious. Why - do you feel like, do you feel like I did?"

**Vassil:** "Yeah, I mean -"

**Him:** "You did, I don't. I mean, I apologize, that's not" - he coughed - "that wasn't my intention. Like, you never told me to stop or you never told me anything, you know what I'm saying?"

**Vassil:** "I never told you to stop?"

**Him:** "No, you didn't tell me anything."

**Vassil:** "I told you multiple times."

**Him:** "Well," - he sighed - "OK, well, I mean, it's just gonna be a 'he-said, she-said,' so, I mean, I'd rather drop it and forget about it and just act like nothing happened. 'Cause I don't want problems with anybody, you know? So I just want you to forget about everything and just, like, move on, I guess."

Later in the call, he apologized.

"It won't happen again, like, for sure," he assured Vassil.

A day later, Vassil asked for a no-contact order against him.

Xavier police called him to the station. He arrived five minutes later and wrote his half-page statement giving his version of what happened.

In the following days, Vassil began skipping class. Some days she didn't get out of bed. When she did venture outside, she'd see her accused attacker, and she got angry. Really angry.

"After I told my parents and started to realize how badly he hurt me, I decided to press charges," she said.

On Feb. 19, she rescinded her "Request for no Action" and asked Xavier police to investigate the case. Then, she went to Cincinnati police.

## Hard to prove cases

Cases like Vassil's trickle into the Hamilton County Prosecutor's Office a few times a month.

Although he takes them "very seriously," Prosecutor Joe Deters said, many don't come with enough evidence to get a grand jury indictment. "Every case rises and falls on its own facts," he says.

Vassil's case had very few facts. Her rape kit showed nothing. The only witnesses were the two people in the car.

The case came down to his word against hers.

"Unfortunately, it's not going anywhere," Cincinnati police Detective Charlene Morton said. "We tried to prepare her for that. The success rate of (similar cases) going anywhere is very, very low."

Morton, who worked Vassil's case, said that in her 13 years investigating such claims she can't remember one leading to a conviction. Detectives can predict which cases will get tossed out by a grand jury, she said.



Emily Vassil, who lives in Norwood now, left Xavier after a hearing about her accusation of rape. Now she's returned to school, and has organized an anti-rape advocacy group.

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Joseph Fuqua II



Vassil came from Richfield, Ohio, near Cleveland, and loved playing volleyball on the collegiate level.

Provided



Vassil (left) with a friend just a day before she would report being raped.

and accuser by a divider - but the set-up is basically the same. Each side presents to a panel. The board deliberates and renders a decision, usually within hours.

Vassil took a seat at a table.

Twehues, the advocate, sat beside her.

The man accused of raping her sat five feet away with his soccer coach. Vassil didn't want to be in the same room with him, but the only alternative Xavier offered was for her to present her case via closed-circuit television. She thought that would diminish the power of her argument.

The worst part, she says, was how he stared at her as everyone in the room learned about that night.

Vassil and the man presented their arguments, just the two of them, no lawyers allowed. They called and questioned witnesses and questioned each other and answered the 12-member board's questions. It was over by 1 p.m.

Xavier sent the man a letter on April 8. "You have been found responsible," it said, of "sexual assault, rape or any form of sexual contact with another person without expressed verbal consent of that person. 'Yes' is the only acceptable response."

He was to be expelled from the Xavier campus and ordered to have no contact with Vassil.

"The end was bittersweet," Vassil wrote administrators. "I knew an appeal was soon to be under way. At the same time, I was looking forward to being able to walk around campus for the rest of the year."

But he wasn't gone. He appealed, and got to stay on campus while the case was pending.

Smith says the university didn't consider him a threat to Vassil.

But she says his presence on campus devastated her. Why was he still there? Hadn't the university just said he'd raped her?

## A 'kangaroo court'?

"I can tell you there certainly was no rape in this case," says John Heilbrun, the man's Cincinnati attorney. "It's a scurrilous accusation, actually."

It's impossible to know how often rape is falsely reported.

Figures differ depending on who's providing them. Studies across the country estimate anywhere from 2 percent to 50 percent of reports are faked; the FBI says that 8 percent of rape reports are "unfounded."

Heilbrun insisted that his client was

mistreated by the university and its "kangaroo court."

Xavier "does not protect the rights of the accused adequately when you're considering something as important as their education, their college education," Heilbrun said. "If I was paying a lot of money to send my child to a private institution and they treated him or her (that way), I wouldn't be happy."

Heilbrun said Vassil's actions contradict her own statements that she feared the man's presence.

"She was so concerned she went to parties where she knew he would be there," Heilbrun said.

In the end, though, the man lost his appeal.

A review panel of three people not previously involved in the case - the university's director of purchasing, the head of the social work department and a student - rendered the final decision April 25. Smith sent him a final letter.

"You remain responsible for the violations of the Code of Student Conduct," the letter said, but the board had revised his punishment. Instead of expulsion, he was suspended from Xavier until May 15, 2012. The no-contact order was continued.

"You are permitted to complete your academic coursework for the spring 2008 semester and to take your final examinations," the letter said, but he was required to call police before going onto campus and was only allowed there for classes.

"While the final outcome of this unfortunate situation may seem less severe than the original sanctions imposed by the University Disciplinary Board," Smith wrote, "I cannot impress upon you enough the severity of the choices you made."

He finished the semester and returned to Florida, where his parents live. He lost his scholarship. Last fall, Heilbrun says, his client enrolled at a college in the Sunshine State.

## Emotions swing high to low

It's been a year.

Vassil, sitting inside her apartment, is a much different woman than she was that February night. Her dark hair is a foot shorter than it was, a cut she got hoping to make herself less recognizable.

Now 19, she returned to Xavier last fall. She moved into a house with two women she'd never met and got a dog, a mixed breed named Hershey, to protect her. Coming back was a bold move, Vassil says, but she felt ready and determined to make a difference.

Yet for two weeks after she returned, she says she stayed up every night sobbing. "I felt like I made the biggest mistake ever," she says.

Recovery has been slow.

She tortures herself sometimes, once checking the man's online profile, fuming when she learned he was vacationing in California with his girlfriend. She looks at pictures of herself before everything happened, and her mind takes dark turns.

If only she hadn't gone to that party. "My life would have been so much better," she says.

Solace comes in small steps.

As some of her old friends slipped away, exhausted, she has befriended other rape victims. She regularly sees a counselor. She's looked into a lawsuit against the university and has been speaking to classes about her experience. She's decided to pursue a law degree and wants to get her master's in women's studies, a broad departure from her original study - marketing.

In the fall, she and another student started an advocacy group, Xavier Students Against Sexual Assault. It's a fledgling group, just a handful of members, but Vassil's hoping to expand it. On Nov. 11 they passed out buttons and nearly 200 T-shirts stressing rape awareness.

A year later, Vassil wonders if she'll ever get past that night.

"I still have so many days where I just can't get out of bed in the morning," she says. "I don't know if it's going to get any better. I hope it does."