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The Courage to Speak

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THE COURAGE TO SPEAK

CASEY BURKE

Erica Kinsman spent the first eighteen years of her life preparing to attend her dream school. She endured countless AP and honors classes, graduated high school at the top of her class, and went on to attend Florida State University, a dream of hers since she was a young girl. On a pre-med track, Erica did not often have the time to party or go out with friends. However, one evening, she decided to celebrate with some friends at a local bar.

Jameis Winston was (and still is) a football prodigy. Born and raised in Alabama, he led his high school football team to a state championship before being recruited to play football for Florida State University. He would go on to win the 2013 Heisman Trophy, and become the overall number one draft pick for the NFL in 2015. Erica Kinsman never graduated from Florida State University. After January 2013, she began a battle against depression and post-traumatic stress disorder (PTSD) because on December 7, 2012, Jameis Winston raped her (*The Hunting Ground*).

After three grueling years, Florida State University paid Kinsman \$950,000, one of the biggest settlements for a sexual as-

sault crime in United States history (Tracy). However, this money does not even begin to compensate for what happened to Kinsman. Both the Tallahassee Police Department and Florida State University Police Department mishandled the investigation of Kinsman's rape. Winston was never tested for DNA, nor was he charged or convicted; the legendary athlete was let off the hook with no repercussions and no punishment. He is now living his dream as quarterback of the Tampa Bay Buccaneers.

According to Barbara Booth, one in four women will be sexually assaulted or raped during college. After being assaulted, these women are subject to endure depression, anxiety, PTSD, eating disorders, self-imposed injury—and suicide; 95 percent of those women will never report their sexual assault (Booth). Even those who are brave enough to report it may never get the proper investigation or justice they deserve. In some cases, universities and colleges in America are being found guilty of not only failing to properly investigate sexual violence, but also of under reporting the statistics of sexual assaults and not properly executing punishment for those students who

Layout by Destiny Reyes. Illustrations by Tori Thomas.

are found guilty.

After her assault, Kinsman received a medical examination and a rape kit procedure, meaning that the police department had the DNA of her assailant the night she was raped. Still, Winston was never tested for DNA. He was never even interviewed by police. The few assaults that are reported are often handled poorly. The investigations are done haphazardly, and police do not always follow through as expected. Kinsman's experience is not unique. When she identified Winston as her rapist, the detective in charge of her case said, "You really should think long and hard about whether you want to press charges or not" (*The Hunting Ground*). His response suggested that he knew the difficulty she would face in a case against Winston. Even though Kinsman would receive a monetary settlement, she remained resolved in her fight for justice.

The victims of sexual assault crimes who report what happened to them are often faced with substantial victim blaming. Victims are often asked, "How much did you have to drink?" or "What were you wearing?" In this way, universities subtly shift the blame to victims, essentially encouraging them to not report or follow through with pressing charges (Yoffe). Kinsman was attacked with accusations of falsely claiming rape, while Winston was shown sympathy from the public. Police did not act on the charge for ten months and never bothered to question Winston (*The Hunting Ground*). This case is a perfect example of how universities and colleges protect the perpetrator and fail to act appropriately because of financial incentives (*The Hunting Ground*).

The Jeanne Clery Disclosure of Campus

Security Policy and Campus Crime Statistics Act (or the Clery Act) was created in 1990 so that schools could report crime statistics, including rape and sexual assault. However, some universities and colleges are not taking this act as seriously as is necessary and are falsely reporting the exact statistics of rape and sexual assault in order to maintain a more positive public image. One way universities get around the Clery Act is by mislabeling the statistics of rape as "personal injuries," thereby misleading prospective students and parents (Culp-Ressler).

Universities that receive federal funding are charged \$35,000 for every case of sexual assault that is not logged and properly reported. Unfortunately, \$35,000 is not intimidating enough to make universities submit the reports. After a seven-year investigation, beginning in 2004, Yale University was fined \$165,000 for under-reporting sexual assault crimes (Culp-Ressler).

While universities and colleges in the United States underreport sexual assault crimes, they are also neglecting to appropriately punish the students found guilty. "Most face little to no consequences—perhaps just a book report, suspension for the summer semester, or probation from leadership activities" (Heldman). Many victims of sexual assault are left to walk around their campus having to face their perpetrator due to the administration failing to give their case the appropriate attention it deserves. Of the 200 reported sexual assault crimes that occurred at the University of Virginia during a time span of 10 years, no student that committed an assault had been expelled. "A 2010 Center for Public Integrity report showed that only 10 to 25 percent of



students found responsible for campus sexual assault are expelled” (Heldman). Comparably, during the same time period, the University of Virginia had expelled well over 200 students for infractions like plagiarism.

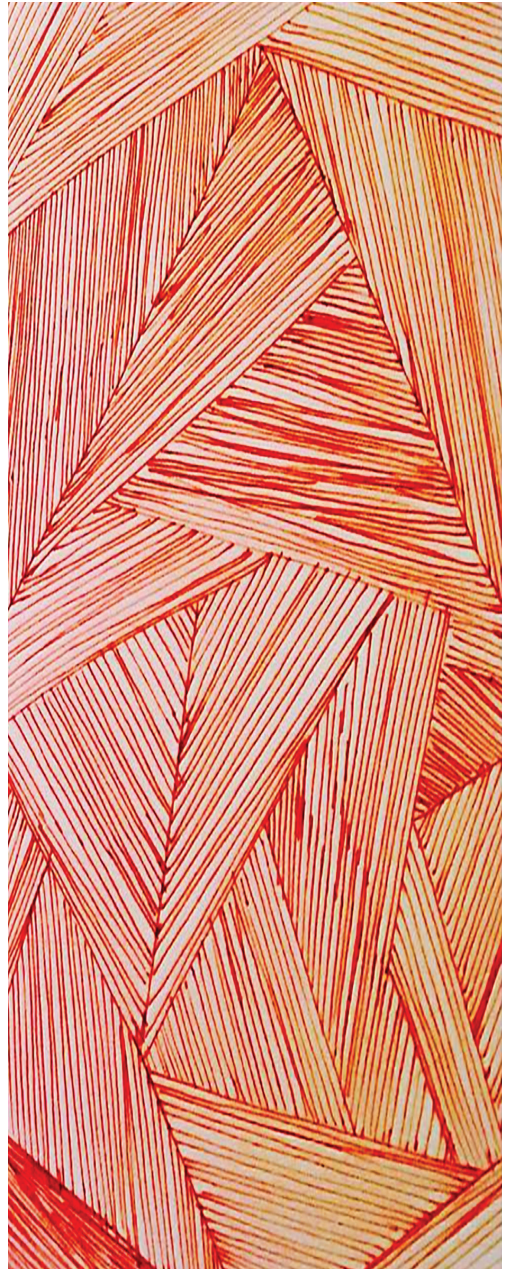
The University of Virginia is just one of the hundreds of American universities that have proven its intentions to protect its name and brand before protecting its students (*The Hunting Ground*). These reports are exhibiting a “rape tolerant campus culture” in the United States by failing to deploy the necessary repercussions (Heldman). Universities and colleges are allowing the opportunity for rapists to commit multiple offenses, without ever getting caught. This notion of a “rape tolerant campus culture” is also enhanced because of legal rules and regulations in place. For example, police are not allowed to contact athletes regarding incidents of crime (*The Hunting Ground*). Schools are also allowing sexual assault to be hidden behind the idea of a “campus party culture,” insinuating to victims that if alcohol is at play, then the rape or sexual assault may be their own fault. Universities are also falsely convincing victims that if they knew their perpetrator and if alcohol was involved, it was more than likely not rape, but rather drunken promiscuity.

The film, *The Hunting Ground*, documents true accounts of students who have been raped or sexually assaulted during their college education. *The Hunting Ground* also exposes the lack of knowledge college students in the United States have on what qualifies as rape or sexual assault. The definition of sexual assault is so broad that it becomes difficult for some students to fully understand it. The phrase “sexual assault” is defined by United Educators, a liability insur-

ance group, as “sexual coercion, nonconsensual touching (i.e., fondling and kissing),” as well as “nonconsensual sexual intercourse including vaginal, oral, and anal penetration” (Yoffe). Sexual assault has been defined as “unwanted sexual activity that may include kissing, exhibitionism, groping, and rape” (Realities of Sexual Assault). These definitions are ambiguous and require that universities further educate their students in order to prevent future attacks. It has been shown that the “absence of affirmative consent” is often understood by students to mean that sexual contact is wanted. It implies that if the victim does not provide a blatant “no,” they are somehow consenting (“Is There a Rape Culture?”).

In addition, universities and colleges are not explicitly telling students what its sexual assault policies are. Students are often unaware of how to report a sexually violent crime and are often put through onerous reporting processes. Counselors and administrators are known to doubt the credibility of the victim’s claim by asking questions such as, “Are you sure it was rape?” (Heldman). As long as students are not aware of their rights when it comes to reporting sexually violent crimes, schools will continue to benefit monetarily. Students who do report the crime are often put through controversial procedures, including having to recount the assault multiple times to different officers and counselors, undergoing multiple examinations and medical procedures. To go through all of this and still face the risk of the perpetrator not receiving a conviction is a danger many victims are not willing to take.

Moving forward, universities and colleges need to introduce clear policies of punishment for students committing sexual



assault. The terminology “consent” and “sexual assault” need to be well defined. Our goal must be to reduce the incidence of sexual assault. We have a moral obligation of understanding what rape is, regardless of its legal definition.

Educational institutions need to begin campus-wide programs and support systems to address the severity of this issue in order to educate and protect the students. After we have begun to properly teach students what sexual assault is and the punishments attached to committing such crimes, universities and colleges will have no choice but to communicate these reports to the public (Earp).

President Barack Obama, being the first president in U.S. history to acknowledge the necessity to end sexual assault on college campuses, released a comforting statement to survivors across the nation: “And perhaps most important, we need to keep saying to anyone out there who has ever been assaulted, you are not alone. You will never be alone. We have your back. I’ve got your back.” President Obama and Vice President Joe Biden established the “It’s On Us” Campaign, which is working across the country to end and prevent future sexual assault on college campuses. Political figures like these continue to exact policies to prevent sexual assault.

Student and government activists are finally coming together to create movements and organizations to end this epidemic. As university students, we uphold a responsibility to require universities and colleges to properly report and cite crime statistics of every nature, especially rape. Survivors, students, activists, and governments need to come together to guarantee the proper punishment for assailants

and the proper investigation and justice that all victims deserve. President Obama said it best—“one is too many”—and it is time for this age-old fight to end.

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