

S. Daniel Carter

Thu, Oct 7, 2004 4:38 PM

Subject: statement**Date:** Thursday, October 7, 2004 2:54 PM**From:** [REDACTED]**To:** <sdcarter@securityoncampus.org>**Category:** Clients

To Whom It May Concern:

The purpose of this letter is to express my deep concerns about errors made by Miami University's Office of Judicial Affairs regarding my sexual assault case last fall of 2003. I do have a copy of the audiotape of the hearing, and I have reviewed it to ensure accuracy of what I am about to write. If necessary, the audiotape can be made available to the U.S. Department of Education

During the oral hearing, the statement was made that the accused, [REDACTED], was to be suspended until the fall of 2005. Later during the hearing, the administrator mentioned again that the date of [REDACTED] return to Miami University would be the fall of 2005. I assumed from these two references that the fall of 2005 was, in fact, the date that was meant to be correct.

Secondly, I never received any form of communication concerning what the final outcome of the hearing was determined to be. Miami University's handbook, "You're Not Alone: Addressing Sexual Assault", states that the victim and the accused have "the right for each to be notified in writing of the final determination and any sanctions imposed as a result of the discipline process". [REDACTED] was sent a letter stating the outcome, and I received NOTHING at all.

Had I received a copy of the final determination that [REDACTED] suspension was actually intended to be only until the fall of 2004, I would have certainly recognized the discrepancy in dates. To me, being suspended for that short amount of time was not an appropriate consequence for the behavior of [REDACTED]. My parents and I would have expressed our displeasure with Miami officials.

In fact, [REDACTED] was permitted to return to Miami in the fall of 2004, and I had no idea that he had returned. During the oral hearing, I was assured by the administrator that I would be able to feel secure walking around Oxford and not having to worry about seeing [REDACTED]. I still go to Miami to visit friends, and I cannot imagine what I would have done or felt if I would have seen [REDACTED] anywhere near me at all.

In addition, the sexual assault handbook states also the "After the hearing the victim will be encouraged to meet with the Dean of Students to assess her satisfaction with the process used to determine the case....." I was never encouraged to meet with anyone after the hearing process was over.

I am very concerned that Miami University did not follow their own directives, and that my sexual assault case was handled improperly.

Sincerely,

[REDACTED]

Miami University

-2-

October 7, 2004

This written notification is critical to ensure that there is no miscommunication to the victim, and that they receive notice of any changes to the outcome that may come about as the result of an appeal. Written notice will also help ensure that they understand all sanctions, if any, imposed on their assailant in those cases where there is a finding of responsibility. Victims need this information to make decisions about their own safety and well being, as well as to heal and move on with their lives as survivors.

Depriving them of it, as was done in this case, can have a significant negative impact on them, and on the wider issue of student safety in general. They may be denied information that would prompt them to file an appeal, or to warn their fellow students that a potential threat to their safety has been allowed to remain on or return to the campus.

Given Miami University's past compliance problems a Department review of all sexual assault cases since 1997 is not only warranted, it is necessary to ensure that justice is done for these victims. Also, immediate corrective action, including the possible imposition of up to \$27,500 in civil penalties for each past violation, must be taken in order to ensure that no future victims are ever denied this critical information.

We thank you in advance for your prompt attention to these concerns. If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Daniel Carter". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

S. Daniel Carter