

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	Case No.: CL14-6942
)	
VIRGINIA WESLEYAN COLLEGE,)	
)	
Defendant/Third-Party Plaintiff,)	
)	
v.)	
)	
ROBERT ROE,)	
)	
Third-Party Defendant .)	

MOTION TO TRANSFER VENIRE

COMES NOW the Defendant/Third-Party Plaintiff, Virginia Wesleyan College (“VWC”), by counsel, pursuant to Virginia Code § 8.01-363, and for its *Motion to Transfer Venire* respectfully states the following:

ARGUMENT

Virginia Code § 8.01-363 provides *in toto*:

In any case in which qualified jurors who are not exempt from serving and who the judge is satisfied can render a fair and impartial trial cannot be conveniently found in the county or city in which the trial is to be, the court may cause so many jurors as may be necessary to be summoned from any other county or city by the sheriff thereof, or by its own officer, from a list prepared pursuant to Article 3 (§ 8.01-343 et seq.) of this chapter and furnished by the circuit court of the county or city from which the jurors are to be summoned.

The decision of whether to grant a change of venire is left to the discretion of the trial judge.

See, e.g., Fisher v. Commonwealth, 16 Va. App. 447, 454, 431 S.E.2d 886, 890 (1993)

(upholding a trial judge's decision to grant a change of venire to avoid any potential prejudice from extensive media coverage).

Here, Plaintiff filed suit as "Jane Doe," arguing that anonymity was necessary to "protect her privacy." (Compl. ¶ 2). However, to date, the Plaintiff and her counsel have made extensive efforts "try" this matter in the media and sway public opinion before any evidence has been presented. By way of example, one writer published an article referencing an interview of Plaintiff and, on the same day, sent an e-mail containing Plaintiff's actual name to two (2) VWC employees.

This begs the question: If Plaintiff is truly concerned about her privacy, why is she running to the media, giving interviews, and possibly sharing her true identity with writers? The logical answer is that Plaintiff is attempting to and by all accounts has swayed public opinion before both sides of the case are heard. The one-sided media circus surrounding this case¹ would make it extremely difficult, if not impossible, to empanel an impartial jury from the City or Norfolk or elsewhere in Hampton Roads. Accordingly, in the interest of ensuring a fair trial to VWC, the Court should empanel a jury from a jurisdiction outside Hampton Roads, where the risk of bias from inflammatory media coverage is significantly less.

CONCLUSION

In light of the foregoing arguments and authorities, to avoid any potential prejudice from the extensive media coverage this case has already garnered and will likely continue to garner, the Court should summon jurors from a jurisdiction outside the Hampton Roads area to sit for the trial of this action.

¹ A collection of sample articles are attached hereto as Exhibit A.

VIRGINIA WESLEYAN COLLEGE

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent via U.S. mail,
postage prepaid, on this 29th day of October, 2014 to:

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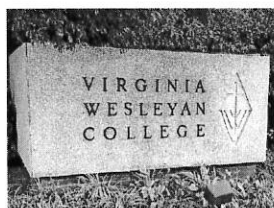
fter brutal rape



The lawsuit was filed on behalf of a woman who was raped on her third day of freshman orientation in 2012.

Nick Ochsner, 6:53 p.m. EDT October 7, 2014

A former Virginia Wesleyan College student has sued the school, claiming administrators failed to appropriately respond after she was drugged and raped.



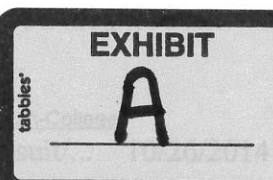
(Photo: Nick Ochsner)

NORFOLK - A new lawsuit filed against Virginia Wesleyan College by a former student claims the school did not do enough to protect female students from sexual assaults on campus and fails to adequately help them after they are assaulted.

The lawsuit was filed on behalf of a woman who was raped on her third day of freshman orientation in 2012.

According to the complaint, the student was invited to an on-campus party by a peer adviser. While at the party, the lawsuit says she was drugged with drugs and then raped by a member of the school's lacrosse team.

Read: Full lawsuit filed against Virginia Wesleyan (<https://www.scribd.com/doc/242179710/Rape-lawsuit-against-Virginia-Wesleyan-College>)
<http://www.13newsnow.com/story/news/local/13news-now-investigates/2014/10/07/vwc-rape-lawsuit>



"She felt woozy, she felt like she was going to pass out, then the assailant got her, abducted her, took her to his room and brutally raped her over five hours," attorney Jonathan Halperin said.

Halperin said his client was left bruised and bloodied. The lawsuit claims she had physical injuries for weeks after the attack and suffered psychological issues long after that.

According to the complaint, the student first went to school nurses two weeks after her attack. The complaint says nurses did not tell her how to report her rape to school counselors or police.

Counselors were notified a month after the attack but, again, the suit says, they did not advise the student on how to file a complaint with police. Halperin said his client ultimately contacted police three months after she was raped.

Virginia Wesleyan administrators held a [Title IX](http://knowyourix.org/title-ix/title-ix-the-basics/) hearing where the student's claims were substantiated. Initially, documents show, the student who was found to have committed the rape was expelled from the school. But a letter attached to the lawsuit shows the school reversed course months later and allowed the student to withdraw so that he could enroll in another school.

"The response afterwards was horrific," Halperin said. "She wasn't encouraged to report this and then, you know, the school's response in changing the status of the rapist from sexual assailant to withdrawn so that he could go play lacrosse at another school, that's outrageous."

A statement issued by a school spokeswoman declined to comment on the specifics of the lawsuit but said the college will vigorously defend itself.

"We have carefully reviewed the facts of this unfortunate incident and the allegations in Jane Doe's Complaint. While we sympathize with Jane Doe, the College denies any allegation of improper conduct and will vigorously defend this lawsuit. The safety of our students is of paramount importance and something we strive to accomplish on a daily basis at Virginia Wesleyan. Given the ongoing legal proceedings, the College cannot comment further at this time."

Virginia Wesleyan will have until the end of October to file its legal response. At least two former students are referenced by name in the complaint but are not included as defendants in the lawsuit. They will not have a chance to respond to the allegations in court.

The lawsuit filed by Halperin says the school acted negligently in other ways, too.

According to the lawsuit, the college--which had the highest sexual assault rape per capita in Virginia in 2010--under-reports sexual assaults on campus.

Colleges and universities nation-wide are required to disclose sexual assaults and other crimes that happen on and immediate adjoining campus to the US Department of Education every year.

Frank LoMonte, who tracks colleges' crime reporting as Executive Director of the Student Press Law Center, said the problem of colleges under-reporting sexual assaults is prevalent across the country.

"There's a systemic problem with compliance with the [Clery Act](http://clerycenter.org/summary-jeanne-clery-act) disclosure requirements," LoMonte said of the federal law requiring colleges to report campus crimes. "You're so unlikely to ever get caught for understating--even when your understatement is just as plain as day on the face of your report-- that, frankly, for a lot of folks the risk is worth the reward."

Read: [SPLC's investigation into under-reported campus crime](http://www.splc.org/blog/splc/2014/09/reports-on-college-crime-are-deceptively-inaccurate) (<http://www.splc.org/blog/splc/2014/09/reports-on-college-crime-are-deceptively-inaccurate>)

LoMonte also said it is not uncommon for schools to encourage sexual assault victims to take action through internal review boards instead of going to law enforcement.

The choice to move forward with internal administrative action raises many questions, LoMonte said.

"One of the steps that a lot of campuses are moving towards, which seems like an advisable step for a lot to consider, is adding a little more professionalism to the disciplinary process so that the same group of people who is sitting there deciding whether you cheated on a test or not is not the same group of people deciding whether you committed a felony or not."

Ultimately, advocates like LoMonte point to the need for the Department of Education to do more to enforce the Clery Act and hold schools accountable for under reporting campus crime.

Halperin, who filed the lawsuit against Virginia Wesleyan College, said one reason his client filed the lawsuit was to prompt change.

"I hey have awareness of this risk and, in light of the risk, I don't believe they do nearly enough to prevent this from happening," Halperin said. "There are many things that are within their power that are reasonable things to do that they failed to do."

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October 24, 2014

Breaking the Silence

Addressing Sexual Assault on Campus

[\(http://www.huffingtonpost.com/news/breakingthesilence/\)](http://www.huffingtonpost.com/news/breakingthesilence/)

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Posted: 10/06/2014 7:16 pm EDT | Updated: 10/06/2014 7:59 pm EDT

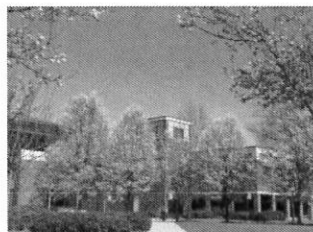
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Virginia Wesleyan College found a student responsible for sexual assault, expelled him, then changed his status to "voluntarily withdrawn" to help him get into a new school, according to a lawsuit.

The suit, filed by an assault victim under the pseudonym Jane Doe against Virginia Wesleyan, a liberal-arts college associated with the Virginia United Methodist Church in Norfolk, claims the school failed to help

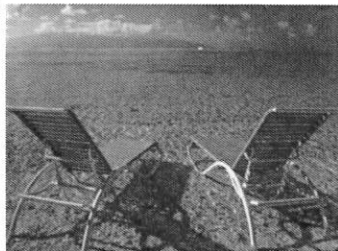
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 | 10.19.2014

the struggling young woman, but took steps to assist her assailant. Filed Friday in Norfolk Circuit Court by attorney Jonathan Halperin, the suit seeks \$10 million in damages.

The victim has dropped out of school since the 2012 attack. The assailant is now at a new college. It's unclear whether that school knew of the Virginia Wesleyan case.

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According to the lawsuit, Doe was attending a school-sponsored, no-alcohol party on campus on the third day of the fall 2012 semester when a peer adviser employed by the college lured her to a party where alcohol was served. Doe believes she was served shots of alcohol that had been drugged. She was raped in a lacrosse player's room, the lawsuit says. Doe suffered extensive vaginal bleeding and bruises. The lawsuit contends she experienced significant pain for weeks.

Doe reported the assault to the university that semester. Virginia Wesleyan scheduled a disciplinary hearing on Feb. 14, 2013. Leading up to the hearing, Doe's lawsuit states, she was harassed by students who shouted in public, "There's the slut who's trying to get [accused student's name] kicked out of school."

The college found the accused student responsible for sexual assault and expelled him. Then, on May 3, 2013, Doe received a letter from David E. Buckingham, Virginia Wesleyan's vice president for student affairs. It informed her the college was changing her assailant's status from "expelled" to "voluntarily withdrawn" in order to "assist him in seeking further studies."

Dear Ms. [REDACTED]:

This letter is to update you on the final resolution of the disciplinary matter you brought against [REDACTED]. As you recall, the result of this matter had been [REDACTED]'s permanent dismissal from the College.

This matter was reconsidered subsequent to [REDACTED]'s departure from campus. Upon this reconsideration, the College has decided to uphold his permanent separation from the College Community, and he will not be returning to campus. Our findings regarding his violation of College policies concerning underage drinking and engaging in physical activity of a sexual nature against the will of another student remain unchanged. The College also decided to allow [REDACTED] withdraw, a different designation which may assist him in seeking further studies.

As Vice President and on behalf of the Residence Life staff, we understand the stress that you have experienced in this matter and hope that you have already begun to put this behind you.

We wish you the best as you complete this academic year.

Sincerely,

David E. Buckingham
Vice President for Student Affairs
and Dean of Enrollment Services

The Huffington Post

(<http://i.huffpost.com/gen/2138334/original.jpg>)

"They just said, 'We looked it over and we want to ensure he can still get a good education and be able to play athletics,'" Doe said in an interview with HuffPost, recalling how college officials further explained the decision in a meeting with her. "That was a giant slap in the face to me. You're going to help my rapist, yet I'm struggling to get decent grades, on the verge of failing out, and you aren't helping me."

Doe dropped out a few weeks into the fall 2013 semester. Though her assailant was gone, she said she struggled without help with classes, and the small community of Virginia Wesleyan made it difficult for her to move on from the assault.

Mark C. Nanavati, an attorney representing Virginia Wesleyan, said the school would not comment directly on the lawsuit, except to say, "While the College sympathizes with Jane Doe, Virginia Wesleyan denies any allegation of improper conduct and will vigorously defend this lawsuit."

Buckingham did not respond to requests for comment. The school did not answer questions from The Huffington Post about Doe's lawsuit or about its sexual assault policies.

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"It kind of just ruined finals for me," Doe told HuffPost. "I had worked my ass off to study, but I kept thinking they let him go to another school. What if he rapes someone else? I started feeling guilty, like maybe I should've gone to police, so maybe he would've been arrested." She said she didn't because she feared police wouldn't believe her.

The case shows the limits of college responses in sexual assault cases.

Another sexual assault victim at Virginia Wesleyan -- a current student who requested anonymity -- told HuffPost her assailant was expelled, but transferred to another school. Neither that woman nor Doe know whether their assailants' transcripts reflect the sexual assaults.

A Huffington Post analysis has found that no more than 30 percent (http://www.huffingtonpost.com/2014/09/29/campus-sexual-assault_n_588742.html?utm_hp_ref=college) of students found responsible for sexual assault by their school are expelled. But it's not clear how often colleges modify sanctions on appeal, or whether schools routinely allow offenders to transfer to other institutions that may be unaware of the assault.

College administrators "are literally feeding in to a culture that allows there to be sexual violence," said Laura Dunn, founder of the non-profit SurvJustice, who was involved in recent changes to the federal campus safety law the Clery Act.

"It's not just a lack of integrity, but the repeated messages of schools knowing nothing of repeat perpetration," Dunn said, [pointing to research](http://www.davidlisak.com/wp-content/uploads/pdf/RepeatRapeinUndetectedRapists.pdf) (<http://www.davidlisak.com/wp-content/uploads/pdf/RepeatRapeinUndetectedRapists.pdf>) indicating a majority of college rapists are repeat offenders.

Dunn and Alison Kiss, executive director of the Clery Center for Security on Campus, speculated that Virginia Wesleyan failed to follow its own policies in Doe's case.

"Otherwise, what's the point of sanctioning?" Kiss asked. She added, "If the student is finding out about a change of sanctions without knowledge of appeal, then that's a red flag that the institution is not following their own policy."

Dunn and Kiss said they worried that changing sanctions without allowing victims to respond may prevent other victims from coming forward.

Virginia Wesleyan's [policy](http://www.vwc.edu/student-life/vice-president-for-student-affairs-and-dean-of-enrollment-services/pdfs/2014_2015_Handbook.pdf) (http://www.vwc.edu/student-life/vice-president-for-student-affairs-and-dean-of-enrollment-services/pdfs/2014_2015_Handbook.pdf) on sexual assault cases states that its Sexual Misconduct Committee of Appeals may re-examine decisions. The appeals committee wasn't used in Doe's case.

Another option for accused students is called "administrative action," which the policy says is open to "students who have acknowledged their policy violation, have accepted responsibility for their misconduct, and do not chose to utilize the arbitration process." Nothing in the policy suggests the victim would be included in the administrative action process.

Doe said she hopes her lawsuit forces changes at the school, "so the likelihood of this happening to other girls goes down.

"Or if it does happen, the school at least knows how to handle it in the proper way," Doe said. "They never did any of that for me."

MORE: [Breaking the Silence, College Sexual Assault, Sexual Assault Punishment, Virginia Wesleyan College, Virginia Wesleyan Sexual Assault, Virginia Wesleyan Rape, Virginia Wesleyan Lawsuit, Virginia Wesleyan Rape Lawsuit](#)

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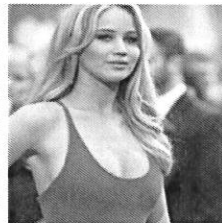
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 (<http://wtkr.com/2014/10/03/multi-million-dollar-lawsuit-accuses-virginia-wesleyan-lacrosse-player-of-rape/>) **Multi-million dollar lawsuit accuses Virginia Wesleyan lacrosse player of rape**
(<http://wtkr.com/2014/10/03/multi-million-dollar-lawsuit-accuses-virginia-wesleyan-lacrosse-player-of-rape/>)

 (<http://www.vwc.edu/student-life/counseling-services/sexual-assault.php>) **Sexual Assault - Virginia Wesleyan College - A small Liberal Arts ...** (<http://www.vwc.edu/student-life/counseling-services/sexual-assault.php>)

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 (<http://wtkr.com/2014/10/06/data-backs-claims-of-sex-assaults-at-virginia-wesleyan-college/>) **Data backs claims of sex assaults at Virginia Wesleyan College** (<http://wtkr.com/2014/10/06/data-backs-claims-of-sex-assaults-at-virginia-wesleyan-college/>)

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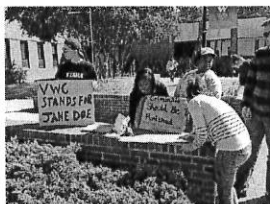
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VA Wesleyan students speak out over handling of rape



VA Wesleyan students speak out over handling of rape

7:30 p.m. EDT October 17, 2014



(Photo: Nick Ochsner)

NORFOLK - Students at Virginia Wesleyan College are speaking out against the way campus administrators handle cases of sexual assault on campus.

The quad outside the Batten Student Center was full of students Friday holding signs and chanting in support of Jane Doe, the alias for a former student who filed a lawsuit against the school earlier this month.

In the lawsuit, the former student accuses the school of not doing enough to prevent sexual assaults on campus and says administrators and school counselors failed to help her after she was brutally raped on her third night of freshman orientation.

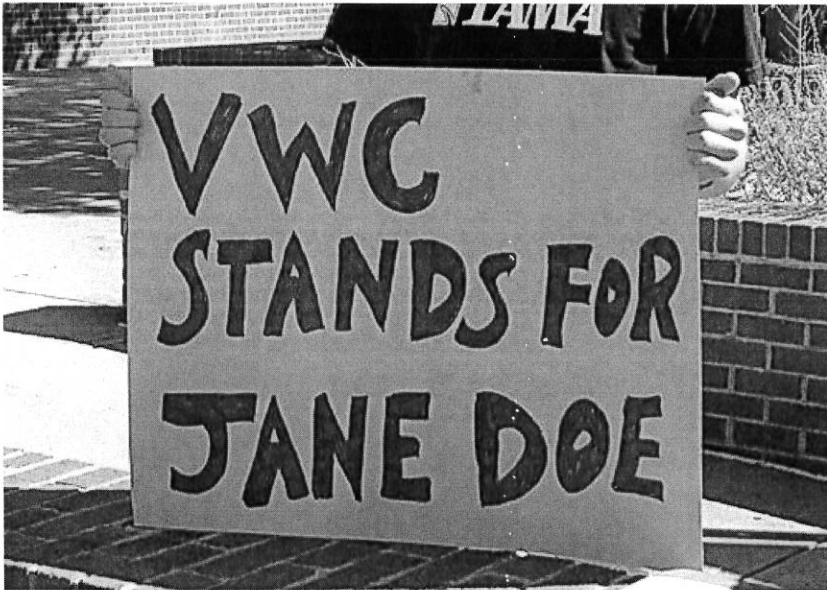
13News Now Investigates: [Student files suit against Virginia Wesleyan after brutal rape \(http://www.13newsnow.com/story/news/local/13news-now-investigates/2014/10/07/vwc-rape-lawsuit/16851495/\)](http://www.13newsnow.com/story/news/local/13news-now-investigates/2014/10/07/vwc-rape-lawsuit/16851495/)

"It was really a shock that they would try to brush something this big under the rug," student Molly Fanney said of the school's response to the lawsuit.
<http://www.13newsnow.com/story/news/local/13news-now-investigates/2014/10/17/vwc-rape-reaction/...> 10/26/2014

Fanney organized Thursday's protest. She and other students are particularly outraged that administrators allowed the lacrosse player who raped the freshman student to withdraw from Virginia Wesleyan and transfer to another school without any consequences.

"I think that there needs to be some clear policy changes that if you are found to be guilty of sexual assault, you need to be expelled from the school and it needs to be on your record," Fanney said.

Other students echoed that sentiment.



A sign held by student protesters at VWC(Photo: Nick Ochsner)

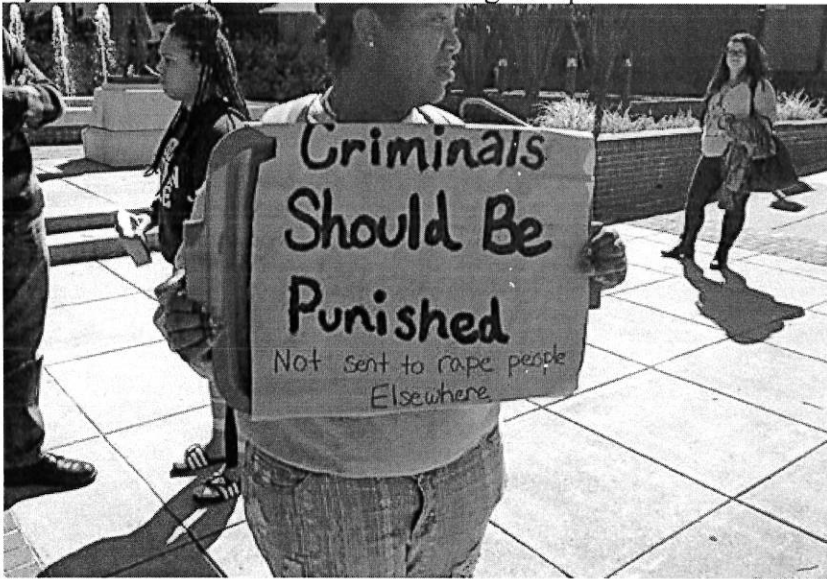
Rob Mendez said he hoped administrators and security officers will shift their focus to preventing and cracking down on sexual assaults instead of enforcing other, lesser rules.

Mendez said there's especially a need for change on campus since he doesn't think the problem of sexual violence will go away any time soon.

"The same thing could happen this weekend, the same thing could happen next semester, I have no idea," he said. "I really hope they go about it a different way because I'm very disappointed."

The school has maintained that it did nothing wrong in responding to Jane Doe's rape and said it will vigorously defend itself against the suit.

In addition to the protests, other students have written [s \(http://thesundayread.tumblr.com/post/99190152844/sweeping-it-under-the-rug\)](http://thesundayread.tumblr.com/post/99190152844/sweeping-it-under-the-rug) [trongly-worded articles \(http://thesundayread.tumblr.com/post/99190152844/sweeping-it-under-the-rug\)](http://thesundayread.tumblr.com/post/99190152844/sweeping-it-under-the-rug) in the campus' newspaper, The Marlin Chronicle.



A student protests on VWC's campus(Photo: Nick Ochsner)

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Former Virginian Wesleyan College student sues over sexual assault




AP

THE ASSOCIATED PRESS

First Posted: October 08, 2014 - 3:26 pm

Last Updated: October 08, 2014 - 3:29 pm

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NORFOLK, Virginia — A former student has sued Virginia Wesleyan College, claiming that she was sexually assaulted on campus in 2012 and that the college allowed her attacker to voluntarily withdraw from school so he could enroll elsewhere.

The Virginian-Pilot reports (<http://bit.ly/1vNjFCC>) the lawsuit was filed in Norfolk Circuit Court and says that the college knew female students face an especially high risk of rape from lacrosse team members.

The lawsuit also alleges the school knew male students were drugging female students and raping them. It seeks \$10 million.

The woman filed the lawsuit using the name Jane Doe, saying she was offered a small amount of alcohol at a party sponsored by a peer adviser in his townhome. The lawsuit then says she and her friends left the party after they began feeling dizzy and lightheaded. Once she was walking home, the lawsuit says, a male student who had been following her grabbed her arm and forced her back to his dorm room, where she was raped and sodomized for five hours.

The college said in a statement it denies any improper conduct.

"While the college sympathizes with Jane Doe, Virginia Wesleyan denies any allegation of improper conduct and will vigorously defend this lawsuit," said Mark C. Nanavati, Wesleyan's lawyer. "The safety of the college's students is of paramount importance and something Virginia Wesleyan strives to accomplish on a daily basis. Given the ongoing legal proceedings, Virginia Wesleyan cannot comment further at this time."

The woman's lawyer, Jonathan Halperin, said a couple of months after the incident, she reported it to police, but the investigation languished due to a lack of evidence.

In a May 2013 letter to the woman, David Buckingham, the college's vice president for student affairs, acknowledged that the student she accused of the assault had been found in violation of college policies on underage drinking and "engaging in physical activity of a sexual nature against the will of another student."

The case initially ended with the man's permanent dismissal from the college, Buckingham said, but the college later decided to allow him

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to withdraw, "a different designation which may assist him in seeking further studies."

The lawsuit claims that move allowed the male student to attend a university in another state and continue to play NCAA lacrosse.

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Information from: The Virginian-Pilot, <http://pilotonline.com>

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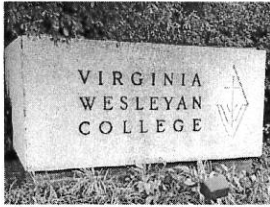
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Student sues Virginia Wesleyan College after brutal rape

Nick Ochsner, WVEC-TV 2:21 p.m. EDT October 8, 2014



(Photo: Nick Ochsner, WVEC)

NORFOLK, Va. (WVEC) — A lawsuit filed against Virginia Wesleyan College claims the school did not do enough to protect female students from sexual assaults on campus and fails to adequately help them after they are assaulted.

The lawsuit was filed on behalf of a student raped on her third day of freshman orientation in 2012 who since has left the college.

A peer adviser invited the student to an on-campus party, according to the complaint. While at the party, she said was given a shot laced with drugs and then a member of the school's lacrosse team raped her.

"She felt woozy. She felt like she was going to pass out, then the assailant got her, abducted her, took her to his room and brutally raped her over five hours," said lawyer Jonathan Halperin of Richmond, Va.

Halperin said his client was left bruised and bloodied. The lawsuit claims she had physical injuries for weeks after the attack and suffered psychological issues long after that.

The student first went to school nurses two weeks after her attack, and nurses did not tell her how to report her rape to school counselors or police, according to the complaint.

Counselors were notified a month after the attack, but again no one advised the student on how to file a complaint with police, the suit said. Halperin said his client ultimately contacted police three months after she was raped.

Virginia Wesleyan administrators held a Title IX hearing in which the student's claims were substantiated. Initially, the student who was found to have committed the rape was expelled from the school, documents show.

But a letter attached to the lawsuit shows the 1,300-student school affiliated with the United Methodist Church reversed course months later and allowed the student to withdraw so he could enroll elsewhere.

"The response afterwards was horrific," Halperin said. "She wasn't encouraged to report this and then, you know, the school's response in changing the status of the rapist from sexual assailant to withdrawn so that he could go play lacrosse at another school, that's outrageous."

A statement from a school spokeswoman declined to comment on the specifics of the lawsuit but said the college will vigorously defend itself.

"We have carefully reviewed the facts of this unfortunate incident and the allegations in Jane Doe's complaint. While we sympathize with Jane Doe, the college denies any allegation of improper conduct," she said. "The safety of our students is of paramount importance and something we strive to accomplish on a daily basis at Virginia Wesleyan."

The college is not on the U.S. Department of Education's list of schools with open Title IX sexual-violence investigations. In Virginia, the College of William and Mary and the University of Virginia are.

Virginia Wesleyan will have until the end of October to file its legal response. At least two former students are referenced by name in the complaint but

are not included as defendants in the lawsuit. They will not have a chance to respond to the allegations in court.

Halperin's lawsuit said the school acted negligently in other ways, too.

According to the lawsuit, the college, which had the highest sexual assault rape per capita in Virginia in 2010, underreports sexual assaults on campus.

Colleges and universities nationwide are required to disclose sexual assaults and other crimes that happen on and immediate adjoining campus to the U.S. Department of Education every year. From 2010 to 2012, the college reported nine sexual assaults: six in 2010, none in 2011 and three in 2012, a rate of 2.1 per 1,000 students in 2012, according to The Washington Post.

Frank LoMonte, who tracks colleges' crime reporting as executive director of the Student Press Law Center, said the problem of colleges underreporting sexual assaults is prevalent across the country.

"There's a systemic problem with compliance with the Clery Act disclosure requirements," LoMonte said of the federal law requiring colleges to report campus crimes. "You're so unlikely to ever get caught for understating — even when your understatement is just as plain as day on the face of your report — that, frankly, for a lot of folks the risk is worth the reward."

Schools often encourage sexual assault victims to take action through internal review boards instead of going to law enforcement, LoMonte said.

The choice to move forward with internal administrative action raises many questions, LoMonte said.

"One of the steps that a lot of campuses are moving towards, which seems like an advisable step for a lot to consider, is adding a little more professionalism to the disciplinary process so that the same group of people who is sitting there deciding whether you cheated on a test or not is not the same group of people deciding whether you committed a felony or not."

Ultimately, advocates like LoMonte point to the need for the Department of Education to do more to enforce the Clery Act and hold schools accountable.


Halperin, who filed the lawsuit against Virginia Wesleyan College, said one reason his client filed the suit was to prompt change.

"They have awareness of this risk and, in light of the risk, I don't believe they do nearly enough to prevent this from happening," he said.


[Rape lawsuit against Virginia Wesleyan College \(http://www.scribd.com/doc/242179710\)](http://www.scribd.com/doc/242179710)

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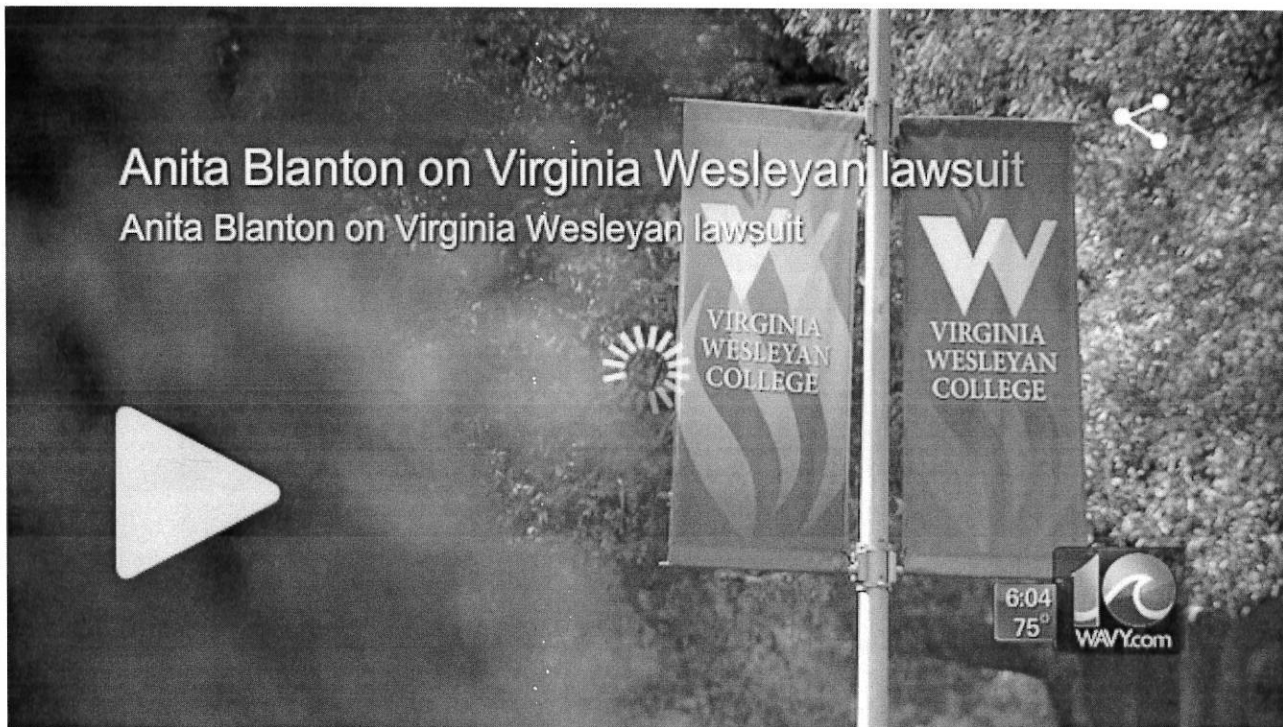
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Virginia Wesleyan College sued over sex assault case

By Anita Blanton

Published: October 7, 2014, 6:23 pm | Updated: October 8, 2014, 3:01 pm



NORFOLK, Va. (WAVY) – A woman says she was sexually assaulted on a local college campus, and claims the school did nothing to help her.

The woman says the attack happened at Virginia Wesleyan College. She's suing the school for \$10 million, saying the administration went out of its way to make sure the man who raped her finished his education in good standing.

PHOTOS: Virginia Wesleyan Lawsuit

(<http://interactives.wavy.com/photomojo/gallery/14559/1/virginia-wesleyan-lawsuit/virginia-wesleyan-lawsuit/>)

The woman's attorney, Jonathan Halperin, told WAVY.com the timing of the lawsuit is purely coincidental, but it may make you think of the suspect in the Hannah Graham case. Jesse Matthew Jr. went from Liberty University to Christopher Newport University with one sexual assault investigation trailing after another. The woman bringing the lawsuit against Virginia Wesleyan claims the school set her attacker up to do the same.

DOCUMENT: Lawsuit against Virginia Wesleyan College

(https://lintvwavy.files.wordpress.com/2014/10/skmbt_36314100720490.pdf)

The lawsuit was filed in Norfolk Circuit Court Friday, on behalf of the woman referred to as Jane Doe. It alleges she was raped just three days in to her freshman year at Virginia Wesleyan College in 2012, ironically just hours after she attended a mandatory play for new students about sexual assaults. She says soon after her peer adviser, who was a paid employee of the university, invited several freshman girls to a party at his on-campus townhouse. At the party, alcohol was freely served, and possibly spiked, she claims.

"We have significant evidence that school security came to the party where the date-rape drug was given to Miss Doe and failed to act," said Halperin, a personal injury attorney.

Halperin said the girls soon became disoriented and they decided to go to their dorms. The suspect, an upperclassman on the lacrosse team, waited until she was the last one left and approached. She says he forced her to his dorm room where she was brutally raped, repeatedly over the course of five hours, his hand covering her mouth so no one heard her screams.

The lawsuit paperwork details how she was left battered, bruised and bloodied, passed a security guard going home and was offered no assistance. Still in pain two weeks later, she went to the nurse and later the school counselor and says she was never told to report the rape.

For six months, she says she hid from her attacker while he roamed free before a Title XI hearing finally took place, ending with the man's expulsion from school. But weeks later, the school sent her a letter, informing her that they had a change of heart and would allow him to voluntarily withdraw so he could transfer with a clean slate instead. Meanwhile, she ended up dropping out of school.

"She spent 44 days in an in-patient psychiatric program, The Meadows, in Arizona for post-traumatic stress disorder and severe depression brought about by this brutal assault," Halperin said.

The lawsuit alleges negligence and fraud on the school's part. The school sent WAVY.com this statement:

Virginia Wesleyan College has carefully reviewed the facts of this unfortunate incident and the allegations in Jane Doe's Complaint. While the College sympathizes with Jane Doe, Virginia Wesleyan denies any allegation of improper conduct and will vigorously defend this lawsuit. The safety of the College's students is of paramount importance and something Virginia Wesleyan strives to accomplish on a daily basis. Given the ongoing legal proceedings, Virginia Wesleyan cannot comment further at this time.

Mark C. Nanavati, Esquire

The lawsuit alleges a history of criminal activity at Virginia Wesleyan College, citing U.S. Department of Education statistics that reveal VWC having the highest per capita rate of sexual assault in the state in 2010, and the second highest rate per capita from 2009 to 2011.

The managing editor of the school's student newspaper just published an op-ed on Tuesday about this story entitled "[Sweeping It Under the Rug](http://thesundayread.tumblr.com/post/99190152844/sweeping-it-under-the-rug)." (<http://thesundayread.tumblr.com/post/99190152844/sweeping-it-under-the-rug>)

You can count on 10 On Your Side to follow any developments in this story.

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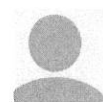
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