

5-1-2017

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Recommended Citation

Alison M. Tinsey, *Remarks on Campus Sexual Assault*, 51 U. Rich. L. Rev. 67 (2020).
Available at: <https://scholarship.richmond.edu/lawreview/vol51/iss5/8>

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REMARKS ON CAMPUS SEXUAL ASSAULT

Allison M. Tinsey *

I was appalled to learn how the first-year criminal law curriculum addresses the subject of criminal sexual misconduct. Criminal sexual misconduct was the last topic covered in class and reserved for the last day of class. My section was forewarned of the upcoming conversation with an added bonus of knowing the material covered in class would not be on the exam. The assigned textbook reading on criminal sexual misconduct was condensed and edited. I heard a similar story from my friends in other sections: they were warned, told it would not be tested, and even given the option of not showing up to class that day.

While my professor took a diplomatic and thoughtful approach to the subject, the class discussion was less than productive. No one was on the same page in regards to what constitutes criminal sexual misconduct or what it means to give consent, especially if alcohol is involved. I did not walk away from that class, as I had from others, with a clear view of what the law is, what the main issues are, and how courts tend to address them. I proactively followed up with my professor and the Title IX coordinator to discuss my frustrations with the law school's lack of emphasis placed on these issues.

I am told sexual misconduct is a messy subject, especially for lawyers. I am also told that tax is a messy subject, but at least it is a useful LL.M degree. The follow-up conversations I had with my professor and the Title IX coordinator specifically addressed how we, as lawyers, ought to study and address criminal sexual misconduct in the classroom, on campus, and in our careers.

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As advocates, we are called to serve our clients and help them navigate the muddied waters of the law when they encounter issues. The law may or may not be on their side—the law may not even exist yet—but we are obligated to represent their best interests as they face pending judgment. Why, then, do we treat criminal sexual misconduct as if it is a nonissue that lawyers rarely encounter? Why do we only set aside one hour of class time to discuss a topic that affects every person in the room?

No one is immune to the affects of criminal sexual misconduct. Thus, we are all responsible to each other as these crimes perpetuate. While some are privileged—and perhaps, in their minds, blighted—to only have to sit through one hour of discussion on criminal sexual misconduct, those of us who are the friends and family of victims do not have such a privilege. We are haunted by our inability to protect our loved ones.

As survivors, we know that there is no such thing as a “safe space.” We would like to think that the systems in place to investigate and bring justice to claims work because when victims have faith in the system, they encourage others to report and the level of deterrence grows. But as the recent events at the University of Richmond—and that occur every day on campuses around the country—show, the system continues to fail victims.

Every message that the University disseminated in light of recent events speaks of a commitment to our values as a community. Ostensibly, those values do not include promoting criminal sexual misconduct. Those values promote bodily autonomy. They promote respect and fair treatment. They promote empowerment for women to say, “No,” and for men to listen, or at least these values should.

Instead, the bifurcation of gender promoted by Richmond and Westhampton Colleges as well as the Greek system on this campus perpetuates a lack of accountability to these values. Because when students do not look each other in the eye and say, “I will not do that to you. I respect your body and your choices. I will be accountable for my actions,” then the values the University seeks to promote lie dormant. Sexual violence does not happen in a vacuum, and neither does the law. Until the University—and the country as a whole—is willing to address its cultural and legal indifference to sexual violence, it will continue to destroy the lives of young women.

As we have seen, there are many driven and intelligent young women on this campus who refuse to be silenced. To that end, I ask the law school to listen. In its capacity as an institution of professionalism and continued learning, I ask the law school to expand the discussion of criminal sexual misconduct in the curriculum, to create a culture where sexual harassment in the workplace is brought into the light and addressed, to fight against sexism in our male-dominated industry, and to integrate our student community into the campus at large, because criminal sexual misconduct do not end after we earn our bachelor's degree.
