Kafka was born too early to write about Amherst College. At campus hearings on claims of sexual assault, procedures are relentlessly stacked against males and evidence of innocence doesn’t count. Amherst expelled a student for committing rape—despite text messages from the accuser, sent immediately after the alleged assault, (1) telling one student that she had initiated the sexual contact with the student she later accused (her roommate’s boyfriend); (2)
inviting another student to her room for a sexual liaison minutes after she was allegedly raped.

Amherst, on grounds that the accused student (who, per college policy, had no attorney) didn’t discover the text messages until it was too late, has allowed the rape finding to stand, even though the college’s decision relied on the accuser’s credibility (which is now non-existent). Amherst faces a due-process lawsuit in the case. You can read the complaint here.

A Goal of Empowering Victims

The expelled student’s complaint begins by noting the hostile campus attitude toward due process—both from pressure from the Education Department’s Office of Civil Rights, and because of a highly-publicized 2012 article from a student and self-described “survivor” who claimed that the college mistreated her. (Wendy Kaminer summarized the case in *The Atlantic.* ) The outcry prompted Amherst to cancel classes for a day to discuss the issue, led to the forced resignation of the college’s sexual assault coordinator, and caused Amherst to change its sexual assault adjudication procedures to focus on “empowering victims,” rather than on, say, pursuing fairness and justice in its hearings.

These procedures, unsurprisingly, are wildly one-sided. Amherst adopted an “affirmative consent” standard; its policies do not explain how an accused student can prove he obtained this consent short of video-taping any sexual encounter. Regarding alcohol, the school deems it important that “anyone engaging in sexual activity be aware of the other person’s level of intoxication.” (How this should be done, Amherst doesn’t say.) Awareness, the college adds, might not even be enough, since “an individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. How an accused student is supposed to know that someone appearing to give consent is actually in a “blackout state” Amherst, again, doesn’t say.

An Attorney with No Role

Once the complaint is filed, an investigator, who lacks subpoena power, interviews the accuser and the accused student; beyond that, the college promises only that the investigator will make a “good faith effort” to speak to relevant witnesses, and will “try” to obtain relevant physical or medical evidence. If the investigator’s “good faith” effort doesn’t track down relevant witnesses, the policy presumes that the accused student won’t be able to call those witnesses before the hearing.
“Attorneys cannot participate in the Hearing Board process” at Amherst (although, the college helpfully notes, the accused student can hire an attorney—at his own expense—and have the attorney present on campus the day of the hearing, perhaps for a very expensive form of virtual, moral support). The attorney-less accused student does receive an “advisor” from the campus community, but this advisor “is not an advocate for the student.”

Amherst does not permit the accused student to directly cross-examine his accuser; he can only submit questions to the panel chair, who may ask or reject the questions as the chair chooses. Effective cross-examination under such circumstances is all but impossible—even more so since the accuser is allowed to write responses, rather than respond to questions orally. Any guilty finding is “permanently noted on the student’s record.”

**Ever Leaning Toward Guilt**

Panel members, who are drawn from the Five Colleges consortium (Mount Holyoke, Amherst, Hampshire, and Smith Colleges, and the University of Massachusetts at Amherst), receive annual “training regarding, the dynamics of sexual misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, and the application of the preponderance of the evidence standard.”

Amherst doesn’t reveal what this training entails (recall that the only school whose panel training did become public, Stanford, used blatantly guilt-presuming training). Panelists come not from the general student body or even faculty but from the world of student life or institutional diversity, areas likely to tilt toward a guilt-presuming ideology even amidst the consortium’s politically correct mindset.

Panel members in this case included two student life officials (one from Mt. Holyoke, the other from Hampshire) and Eric Hamako, whose Ph.D. in “Social Justice Education” produced a dissertation focused incorporating “stronger anti-racist frameworks into those educational efforts.” (Hamako, who then worked for Smith, could not be reached for comment; the other two administrators did not respond to a request for comment.)

This was not a panel, in short, that seemed likely to go out of its way to critically examine a rape accuser’s allegation, or to stand up for due process, particularly given the ideological climate at Amherst in the 2013-2014 academic year. Additionally, since all panelists were administrators (like Amherst’s former
sexual assault coordinator), they lacked the protections of tenure if they made an unpopular decision.

**Alcohol and Activism**

The incident dated from the early morning hours of February 5, 2012, when the accused student (who filed the suit pseudonymously, as John Doe) was a sophomore. After a night of heavy drinking by Doe, he accompanied the accusing student (who I’ll call AS) back to her room, where she performed oral sex on him. (Doe had no recollection of the sexual encounter, a claim that even Amherst’s tribunal found “credible.”) When news of her having hooked up with her roommate’s boyfriend got around, a former friend recalled that AS (unsurprisingly) “lost her group of friends.”

AS’s new group of friends, much like *Rolling Stone*’s “Jackie” in the UVA case, came from campus victims’ rights circles. AS first mentioned the alleged assault in a [column from an activist campus website](#) to which she regularly contributes and which reflected the viewpoint of the most extreme campus victims’ rights advocates—though the thrust of the column focused on her friends (unsurprisingly) turning on her after the hookup.

AS also was friendly with a leading anti-due process activist on campus, Liya Rechtman, to whom Doe had reached out after publication of AS’s column, to ask if he could have in any way mistreated AS. Rechtman claimed that this conversation amounted to a confession, an interpretation even Amherst’s investigator said left her “confused.”

Twenty-one months after hooking up with her roommate’s boyfriend, AS filed a claim of sexual assault. She did not go to the police, and of course had not sought medical attention after the alleged attack. But she did claim to have one contemporaneous piece of evidence that the attack traumatized her. She told the college, she asked a friend to come over and spend the night with her after her encounter with Doe. No evidence exists that Amherst asked her to identify this friend, who did not testify in her hearing.

**The Hearing**

As it turned out, the case would be the first under Amherst’s new, guilt-presuming policies. While the accuser waited 21 months to file her charges, Doe received ten days before he met with the investigator; thirty-eight days after Doe was notified of the charges, the disciplinary board decided to expel him.
The two sides’ contrasting advisors reflected Amherst’s warped ideological climate on sexual assault issues. Though technically the advisor “is not an advocate for the student,” AS’s advisor clearly did sympathize with her. Rhonda Cobham-Sander, a tenured professor of Black Studies and English who specializes in post-colonial literary theory, was an influential figure on campus. Amherst’s first diversity czar, she delivered a victims’ rights-oriented address after the 2012 sexual assault controversy.

Doe’s advisor, on the other hand, was an Amherst administrator (who lacked tenure protections) named Torin Moore, whose academic training came not in the law or in anything related to civil liberties but instead in “social justice education.” Moore’s performance was so lackluster that Doe eventually would sue him. Neither Moore nor Cobham-Sander responded to requests for comment about whether they were aware of the full scope of evidence in the case.

The college’s hired investigator, Allyson Kurker, interviewed most of the witnesses in one day; Kurker did not respond to a request for comment about whether she was satisfied her inquiry uncovered sufficient evidence. An attack that AS initially described as wholly non-consensual came to be seen as consensual before changing during a “break” in the oral sex. “I can’t say it was clear to me” when the assault allegedly became non-consensual, Kurker admitted in the hearing. (You can read the hearing transcript here.)

Once the hearing began, AS repeatedly presented herself as too traumatized to articulate her thoughts verbally. (She had no such problem, according to Kurker’s report, when the investigator asked her questions.) Asked whether the two went to her room voluntarily to hook up, AS replied, “Yes. Well—although in would like to say that I did feel some—I did like well feel like well some—I did . . . I did like well feel like well some like . . . well . . . some like . . . like . . . some like well pressure to do so.”

Panel member Hamako wondered about this “pressure,” which AS hadn’t previously mentioned, yielding this response: “So as we were making out in the common room, so some of the students there, so I think, so I think, so I think, [another student] included, were just like, well, chanting like well, things about me. Like, like, like, like, I mean, like, like, I mean, like, I mean like this, I mean like, I mean like, I mean like, I mean like slut, and like that kind of thing. And they also like told us, get a room, so, yeah.” How that reaction (even if accurate) could be held against Doe was left unclear, since Hamako didn’t follow up.

I Didn’t, I Didn’t, I Didn’t
In perhaps the critical section of the hearing, when a panel member wanted to know what AS did after the alleged assault, she responded, “So after he like walked out, I didn’t … So I didn’t … So I didn’t … So I didn’t … So I didn’t … So I didn’t … So I didn’t … So I didn’t … So I didn’t … So I didn’t …” On cue, the panel then allowed AS to type a response—an option that AS repeatedly pursued during the hearing. In her written response, the accuser claimed that after Doe left her room, she felt “very alone and confused,” so texted a friend to come over and spend the night with her.

In fact, as Doe’s attorneys later would discover, AS had texted two people after the hookup—a friend, and a possible paramour. Even before hooking up with Doe, AS had texted the other male student, telling him, “I mean I happen to have my room to myself this weekend, if you wanted to come over and entertain me.” After she finished with Doe, AS resumed flirtatious texting with the male student, who came to her room and spent the night with her. He found her “friendly, flirtatious, and spirited,” and not “anxious, stressed, depressed, or otherwise in distress.” You can read these text messages here.

Just after Doe left her room, AS also had (as she told the disciplinary panel) texted a friend. But (contrary to what she told the disciplinary panel) she didn’t invite the friend over to her room. Instead, she informed the friend, “Ohmygod I jus did something so fuckig stupid.” Coarse language from her in subsequent texts implied an awareness that she had initiated sexual contact with the student she later accused of rape. AS was upset in these messages—but not from being raped.

Rather, she worried (not unreasonably) about the fallout of a sexual liaison with the boyfriend of her roommate, who “would literally never speak to me again” if she found out. AS continued texting her friend after the male student arrived; she described her attitude toward her guest: “Like, hot girl in a slutty dress. Make. Your. Move. YEAH.” At 5am, she sent another text to the friend indicating that some sort of sexual liaison had occurred with her male visitor. You can read these text messages here; the critical messages are on pp. 6-8.

AS mentioned none of these exchanges to the panel. But since Amherst, like all colleges, lacks subpoena power, it had no way to obtain text messages from the night of the alleged assault. In a campus climate predisposed to believe all but the most non-credible accusers (and even, sometimes, the wholly non-credible, as the UVA case demonstrated), the panel didn’t probe too much. After AS’s “so I didn’t” non-response, panel members gently turned to questions about how knowledge of her hookup with her roommate’s boyfriend affected her relationship with their common friends. “They all felt they had to side with [the roommate] and stop speaking to me,” AS complained.
The Outcome

Despite an accuser who offered borderline non-coherent responses that subtly expanded on her initial story, the panel ultimately accepted her credibility. It ruled that while Doe likely was “blacked out” during the oral sex, “[b]eing intoxicated or impaired by drugs or alcohol is never an excuse.” Since AS said she withdrew consent at some point during the sexual act, and since Doe couldn’t challenge that recollection, the panel was at least 50.01 percent inclined to believe the accuser’s tale.

(The panel members offered no explanation as to why or how they reached this decision.) The panel recommended immediate expulsion for Doe. For good measure, panel members also urged him (but not, it seems, AS) to obtain alcohol counseling. You can read the panel’s thread-bare decision here.

Amherst’s case depended entirely on AS’s credibility. During the spring 2014 semester, Doe hired an attorney—who managed to discover the text messages quoted above, messages that all but eviscerated AS’s credibility. But according to the complaint, even when confronted with this new—and transparently exculpatory—evidence, Amherst declined to reopen the case.

Once again: this is a case in which an accuser (to put it charitably) misrepresented written evidence vital to her credibility, and this same material, her words, showed—if anything—that she initiated sexual contact against a student who even Amherst’s panel described as “blacked out.” And yet, according to Amherst, AS is a sexual assault “survivor.”

KC Johnson

KC Johnson is a history professor at Brooklyn College and the City University of New York Graduate Center. He is the author, along with Stuart Taylor, of The Campus Rape Frenzy: The Attack on Due Process at America’s Universities.

77 thoughts on “Amherst’s Version of Kafka’s ‘The Trial’”

1. 🌐 Mike says:
I think it’s a double standard. Amherst is not a gay friendly either. I remember these stories about expelled guys...I went to school in the same town and heard lots of stories.

Reply

2. Tyler says:

October 12, 2015 at 6:09 pm

Sounds like she raped him. He was passed out, unconscious and she decided to perform oral sex on him. Of course charging a woman with giving a man an unwanted blowjob has probably literally never been done before. Regardless it’s pretty clear he didn’t rape her.

Reply

3. Patricia Longo says:

September 26, 2015 at 12:14 pm

Decades of rapes- and mine was in there somewhere! Yet this curiosity of a kinky story should not absolve everyone. Too bad it did.

Reply

1. gush says:

November 26, 2016 at 8:22 pm

It did absolved someone, it absolved her of raping him.

Reply

2. Richard says:

July 13, 2017 at 12:56 pm

Then you should be in the forefront of this, if for no other reason than keeping the issue clear of bad cases such as this. Having sisters and nieces, this has been a fear of mine, but I have also seen vengeful wives lie to get the kids and ruin
both sides of the family. I cannot ‘automatically believe anyone in these cases, Even my near perfect nieces are fallible.

Reply

4. Mr Burns says:

July 21, 2015 at 3:36 pm

The survivor, AS, was midway through giving a blowjob when she felt feels vestiges of discomfort, a vague sense that what she was doing is not right and proper. Now clearly such thoughts can only be due to the patriarchy, the male dominated society in which AS was raised and indoctrinated. Therefore there was male induced pressure upon AS, even though that pressure arouse entirely within AS’s own mind. None-the-less since it was male induced, the blame must fall upon the nearest male, namely John Doe. And voila ,through the wonders of feminist sophistry, he is guilty.

Reply

5. Deserttrek says:

July 21, 2015 at 11:05 am

there is not enough financial ruin or prison time for ALL involved in smearing the man and now fighting to maintain their evil. these are ALL evil human and should be treated as such

Reply

6. Kevin Hornbuckle says:

June 17, 2015 at 2:57 pm

The Washington Post/Kaiser Family Foundation survey research on the incidence of campus rape offers, for the critical reader, substantial insight into the inherent subterfuge of this rape culture culture-cum-movement.

The methodology of the survey is suspect for particular reasons. But setting that aside for the moment, two of the questions unambiguously refute the main findings as published by the Washington Post (http://apps.washingtonpost.com/g/page/national/washington-post-kaiser-family-foundation-survey-of-college-students-on-sexual-assault/1726/).
Responses to question #38 added up to eight percentage points more college students are of the opinion that the no-means-no standard is better than the yes-means-yes/affirmative consent standard (42% v. 34% respectively; with 23% indicating "not much difference").

Let that sink in. More college students prefer normal sexuality. This is a big problem that 'social justice' advocates who are working overtime to correct this travesty by installing the government and government snitches into the nation's bedrooms. For example, you can see on youtube various university training videos of Title IX officers instructing students and employees that persuading someone to have sex with you is a policy violation which can result in expulsion or firing or both.

Also view-able on youtube are orientation videos for new registrants who must certify their orientation on sexual assault prevention before they can enroll in classes. The videos purport to demonstrate affirmative consent, but actually achieve the opposite. When universities systematically misinform their employees and students of their rights and responsibilities, violations of due process rights are certain to follow.

The gender differential in responses to survey question #38 is even more interesting. Three percent more female students than male students are of the belief that the politically incorrect no-means-no standard of consent is better than the Title IX approved yes-means-yes/affirmative consent standard (females 43%, males 40%).

Now, if you think that campus-based feminism is about respecting the will and sexual freedom of women, then you probably also believe that journalism’s purpose is an informed public, or polity. The fact that the Washington Post’s own headlines are subverted by the research it sponsored ought to be a clue as to how campus activists will NOT respond to the apparent preference college women have for normal sexuality.

The new brownshirts, as I call them, will either ignore the finding, or if pressed, will hold that it only proves more education must be funded. After all, the ‘patriarchy’ is in control of women’s attitudes toward sex, isn’t it?

This notion is an observable effect on campuses which undergo sexual assault and harassment ‘climate’ surveys. Committees form. Outrage flows. Firings discharge. And new, more strict codes of conduct are adopted, replete with highly publicized statements from university presidents boasting new get-tough postures.
So will activists now demand – that because women’s lived experiences and beliefs about their sexuality are important to acknowledge and support – demand that no-means-no become the prevailing standard? Further, is normal sexuality healthier than weaponized hook-ups?

Another question in the WaPo/Kaiser indicates the manufactured nature of the campus rape ‘crisis.’

Question #53 asks: Since starting college/while you were in college, has/did anyone attempted/attempt but not succeeded in having sexual contact with you by using or threatening to use physical force against you? Yes or no?

Combined male and female affirmative responses to this question amounted to 7%. Because it was a forced-choice response, 93% responded ‘no.’ This is a remarkable finding given that the headline declares that 20% of college females are sexually assaulted.

Understanding the marked discrepancy requires closer focus on methodology, which to be sure, is a fecund environment from which sprouts bountiful deception. I will tackle those tactics in a follow-up article.

The take-home message for parents concerned about their daughters’ safety is unfortunately well hidden in the reporting on the WaPo/Kaiser survey results. Your daughter is not likely to be sexually assaulted during her college years. She has a large degree of control over situations which could lead to her being assaulted. That is good news.

The news for college men (and their parents) who worry about being falsely accused is not so good. When alarmist expectations are paired in time and place and politics with a governmental assault on Constitutional rights history would teach us that nothing good can follow.

Kevin Hornbuckle is retired and lives in Eugene, Oregon where he served on the Eugene city council in the early 1990s. His observations on the so-called ‘basketball rape scandal’ at the University of Oregon can be viewed on his public Face Book page.

Reply

7. McLarenF1 says:

June 15, 2015 at 3:09 pm
For universities, following DoE OCR “guidelines” isn’t a moral dilemma, but rather a financial dilemma:

Option 1. Disregard OCR guidelines and lose federal funding.
Option 2. Implement OCR guidelines and incur lawsuits from students.

1. **John Goudge** says:
   
   September 29, 2016 at 10:17 am

   The loss of federal monies means ALL federal money for the entire school from the Astronomy Radio Telescope to the Zoology prof researching invertebrate fossils. It takes a very brave administrator at a very rich university to say no to the Department of Education’s zealots.

   Against that back drop, constitutional rights fade to nothing.

   Reply

8. **Karen Cox** says:

   June 15, 2015 at 8:09 am

   The more I read about stories like this, the more I would be terrified to send a son to college. They have no chance against these jezebels. And I am terribly embarrassed and disappointed by the actions of my gender. The moral character of women, young women in particular, has gone down the toilet. These crazy women are no longer interested in helping women in general. They are more interested in pushing their insane man-hating agendas in places where they know they will not face any opposition to their cause. Very cowardly.

   Reply

1. **Fredlave** says:

   July 13, 2017 at 12:11 pm

   What happened to all male or all female colleges? Or go local and live at home.

   Reply
9. **Greg Allan** says:

   June 15, 2015 at 6:50 am

   In any instance of sexual impropriety any woman involved is the default victim even where they are the perpetrator.

   Reply

10. **Timothy Wickenheiser** says:

    June 14, 2015 at 11:37 am

    I though a sober woman having sex with a druk man was rape since he cannot give consent due to intoxication?

    Reply

1. **John Goudge** says:

   September 29, 2016 at 10:21 am

   The Deadman's Rule might have kicked in as well. That means that AS could not testify as to what happened in private since DOE could not testify. Anything that took place in public would be fair game since a witness could contradict AS's testimony.

   Reply

1. **John Hofbauer** says:

   October 26, 2017 at 11:43 pm

   The Deadman's Rule only applies when a party in a criminal homicide case is dead. Yikes.

11. **MN** says:

    June 13, 2015 at 3:11 pm

    Amherst has a policy that a person who is incapacitated by alcohol, including in a blackout state, cannot consent.
So AS sexually assaulted the man she accused according to Amherst’s own regulations. But alas, only the guy gets expelled.

Echos of the Occidental College lawsuit where the school refused to investigate the woman who, despite affirmatively consenting to sex, was able to nullify that consent because she was drunk. Her “rapist” was not given the same consideration. When he tried to make a complaint, they refused to consider it on technical grounds.

Reply
12. Simon says:
June 13, 2015 at 6:10 am

This case raises to questions, the first is how did this bunch of cretins get into a position of responsibility in the first place and the second question is were they aware of the seriousness of their actions. The second question being that a criminal offence may or may not have been committed, but it was chosen to investigate the affair in house surely there is some liability there? Not being familiar with the American legal system I do not fully understand the process in this case.

The second question also raises human rights questions from the accused’s position, lack of due process, partiality of the tribunal and leaves the college open for massive damages. Which takes me back to the first question how did this bunch of cretins get into positions of responsibility in the first place?

Reply
13. JLC says:
June 13, 2015 at 5:26 am

Thank god for people like KC Johnson.

This case is simply another Iteration of political correctness. Any arbiter who would fail to believe an accuser would be deemed sexist. If Kennedy’s book Profiles in Courage were updated today, a chapter about a liberal academic in the 21st century could not be added, though the most cowardly of them undoubtedly see themselves as heroic.

Reply
14. Stan says:

June 12, 2015 at 9:25 am

Why are colleges formulating and enforcing laws regarding sexual conduct? Isn’t that the job of the government, the police, and the courts?

Reply

15. Jeremy Poynton says:

June 12, 2015 at 6:02 am

RIP USA. Destroyed from within.

Reply

16. Derek S Wilson says:

June 12, 2015 at 3:58 am

The story reveals Amherst College’s cowardice, corruption, and cravenness, crawling for federal money. They sacrifice truth, or any male student, for it.

I discovered my school, the University of Washington, following the same course. I stopped my regular giving, and told them why. Let them pursue their other masters.

Until courts rule for men in these Title IX discrimination cases, college men have no protection.

Reply

17. jdgalt says:

June 11, 2015 at 11:52 pm

I hope that the real victim manages to collect six or seven figures in damages for this un-called-for ruination of his reputation and career.

Enough awards like that may make universities decide that it no longer pays for them to accept federal funds at all. Then the other long-standing injustices
federal funds bring with them, such as affirmative action, politically correct speech codes, and Title IX restrictions on sports, can be done away with as side benefits. We’ll all be better off as a result.

Reply

18. markm says:

June 11, 2015 at 9:40 pm

If Doe was blacked out, then _she_ raped _him_, according to the principles colleges use in these date-regret disputes.

Reply

19. Eugene D says:

June 11, 2015 at 7:41 pm

This article shows why we should be so thankful that we have the criminal justice system that we have. With all of its shortcomings, it is so far superior to these college administrative hearings that it appears perfect. The search for truth is what is important in matters like these, and the minimum requirements are access to a trained lawyer, and investigator, and the right to cross-examine all witnesses. I hope Doe’s lawsuit brings in a large enough verdict to convince the colleges to leave justice to the justice system.

Reply

20. Patrick49 says:

June 11, 2015 at 4:16 pm

Colleges and Universities were not established and are not capable to act fairly as prosecutor, jury, judge and punisher of an individual accused of rape. Rape is a criminal offense and should be handled by the criminal and judicial system already in place. Any student accused of rape or sexual assault, if innocent, should immediately hire a lawyer and report the accusation and the accuser to the local police. Place trust in a police investigation and take it out of the hands of the school’s government dictated kangaroo court.

Reply
21. **Harry Taft** says:

*June 11, 2015 at 4:05 pm*

When are colleges and universities going to be forced to recognize that rape is a felony and anyone who intervenes to institutionally address this felony is probably guilty of obstruction of justice? When are the legitimate institutions (the police and criminal courts) going to come down hard on school administrators and faculty who believe the site of the incident makes it a private matter? When?

**Reply**

22. **LTEC** says:

*June 11, 2015 at 2:58 pm*

“Black out” does not mean that one was unconscious. It means that later, one has no memory of what happened because something (usually alcohol, a blow to the head, a disease) ruptured (hopefully temporarily) the connection between short term and long term memory. During the forgotten period in question, one might have been kind or cruel, willing or unwilling.

(See the Wikipedia article.)

**Reply**

23. **Keith G** says:

*June 11, 2015 at 2:30 pm*

It seems to me that the person who violated sexual assault rules, and who should have been expelled was AS.

**Reply**

24. **Amanda Doe** says:

*June 11, 2015 at 2:02 pm*

John Doe should sue her. "The federal court held that he was entitled to sue the private university under the state's Unfair Trade Practices and Consumer Protection Law"  [http://helpsaveoursons.com/courts-ok-falsely-accused-can-](http://helpsaveoursons.com/courts-ok-falsely-accused-can-)
fight-back/ Here is yet one more story of a girl who is embarrassed and doesn't take responsibility. And then with the flick of an eyelash she ruins the future of this college boy by lying. How dare she! These girls really cast a bad light when it comes to representing the female race.

Reply

25. JVW says:

June 11, 2015 at 1:38 pm

Hmmm. The linked document from the Amherst administration regarding the expulsion uses the “John Doe” pseudonym for the expelled student but then gives the alleged victim’s real name. Seems like the Amherst administration doesn’t know its elbow from its, well, you know.

Reply

1. JVW says:

June 11, 2015 at 1:49 pm

Oh, never mind. I see in the legal brief that “Sandra Jones” is also a pseudonym.

Reply

26. Corwin says:

June 11, 2015 at 1:34 pm

Jesus, KC. For a long time, I felt cases like this were, if not unique, perhaps as rare as unicorns. But new ones keep arising. I’m amazed by the academic mainstream’s ability to be dishonest. Still, I do recollect the Duke faculty member who stated, ..., sic. “Denying them will make me a pariah in my world”.

Reply

27. Piltdown Ghost says:

June 11, 2015 at 12:39 pm
In pre-Enlightenment societies if a woman is raped it is her fault. In societies governed by Feminist Social Justice if a man is raped it is his fault. Social Justice is literally ushering in a new Dark Age. Feminists are the Taliban.

Reply

28. NickSJ says:

June 11, 2015 at 12:16 pm

Why would any thinking parent send their child to this college?

Reply

29. Joe says:

June 11, 2015 at 10:17 am

So how is it that a female is incapable of giving consent while blacked out or unconscious, but a male who is blacked out not only is able to give consent but also able to sexually assault someone?

Reply

30. PC says:

June 11, 2015 at 10:02 am

Apparently John Doe is claiming that Amherst is targeting males of color (he’s Asian). Sandra’s roommate in her affidavit is upset that “Sandra’s” false allegation will make it harder for real victims to be taken seriously. It looks like miscarriages of justice only matter inasmuch as they affect politically protected classes. Sympathy for straight white males is not allowed.

Reply

31. onehandclapping says:

June 11, 2015 at 9:50 am

So why isn’t he suing the university under title 9? They found that he was black out drunk, which means he wasn’t able to give consent. So that means she raped him.
32. **Kevin Hornbuckle** says:

*June 11, 2015 at 9:42 am*

There is cause for alarm when people who purport to be advocating social justice are, in practice, destroying the means of social justice.

33. **Dr. Ed** says:

*June 10, 2015 at 11:57 pm*

This is surprising — why?

I’ve heard of a lot worse than this happening out there...

34. **David** says:

*June 10, 2015 at 11:54 pm*

Ahhh....So when a man is intoxicated and engages in sexual activities with a partner, anything and everything is his responsibility and he presumes all guilt. When a woman is intoxicated and engages in sexual activities with a partner, she automatically gains legal immunity, holds zero responsibility, and is able to completely set the mentality narrative days later just by saying, “And it is so.”

We truly are a 'special' and “advanced” society.

35. **JohnAGJ** says:

*June 10, 2015 at 10:48 pm*

Question: if “John Doe” was expelled by Amherst, by what legal authority can they demand he not contact the accuser? I doubt he’d want to buy I was unaware the universities had the power to issue restraining orders, even for
expelled students. Sounds like “Doe” has some good grounds here for a very costly lawsuit. I hope he and his lawyers make millions.

Reply

36. Don says:

June 10, 2015 at 10:40 pm

I don’t see much difference from child custody cases in family court.

Reply

37. Seth says:

June 10, 2015 at 10:37 pm

It seems, based on the facts, that she raped him. Has he considered filing criminal charges?

Reply

38. Kirk says:

June 10, 2015 at 10:08 pm

Technically, it was the GUY who was raped.

Reply

39. AndyN says:

June 10, 2015 at 9:17 pm

Am I missing something, or did the “victim” admit that she performed a sex act on a person who even a panel that’s predisposed to give her every benefit of the doubt has acknowledged was passed out drunk, and thus unable to give consent?

John Doe should by all means continue pursuing his civil suit against Amherst, but I’d love to see him also file a criminal complaint against his accuser. I doubt that what happened to him would be considered rape under Massachusetts law, but it has to have violated some sexual assault law.
40. **Lee** says:

*June 10, 2015 at 8:28 pm*

As I read this, John Doe was the one who was sexually assaulted by AS.

41. **Worc1** says:

*June 10, 2015 at 8:09 pm*

One other thing, since Doe was in an intoxicated black out, shouldn’t AS being guilty of sexual assault?

42. **Worc1** says:

*June 10, 2015 at 7:39 pm*

“Like, like, like, like, I mean, like, like, I mean, like, I mean like this, I mean like, I mean like, I mean like, I mean like, slut, and like that kind of thing.”

Like, you’re a, like, college, like, student, like? We are, like, doomed!

43. **EricStoner** says:

*June 10, 2015 at 6:59 pm*

I guess “empowering” the victim wasn’t in vogue when women accused Bill Clinton of rape? No way, the went silent and today wonder why they are viewed as hysterical lying hypocritical ninnies?

44. **OU_Gryphon** says:

*June 10, 2015 at 6:53 pm*
So if he was too drunk to give affirmative consent, why wasn’t she charged with sexual assault? Oh right, because men are always the aggressors, especially when they aren’t. Clearly we know this because like... like... like... [snip] like... male privilege or something.

Reply

45. NF says:

June 10, 2015 at 5:20 pm

She, AS, sexually assaulted Doe.

Reply

46. Terri says:

June 10, 2015 at 5:18 pm

Seems to me that the girl admitted that SHE sexually assaulted HIM. The college convicted the wrong person. I hope they have to pay through the nose for this. And Doe should take AS’s own testimony to a real court and let her face real charges.

Reply

47. Chris Deslone says:

June 10, 2015 at 5:13 pm

Here we have it again: if the woman is drunk, it’s definitely intoxication rape of the woman. If the man is drunk, it’s definitely rape of the woman.

... “Regarding alcohol, the school deems it important that “anyone engaging in sexual activity be aware of the other person's level of intoxication.” (How this should be done, Amherst doesn’t say.) Awareness, the college adds, might not even be enough, since “an individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. How an accused student is supposed to know that someone appearing to give consent is actually in a “blackout state” Amherst, again, doesn’t say.
It ruled that while [the male; John] Doe likely was “blacked out” during the oral sex, “[b]eing intoxicated or impaired by drugs or alcohol is never an excuse.” Since [the female] AS said she withdrew consent at some point during the sexual act, and since Doe couldn’t challenge that recollection, the panel was at least 50.01 percent inclined to believe the accuser’s tale.

Whatever it is, it’s the man’s fault.

Reply

48. Chris Deslone says:

June 10, 2015 at 5:11 pm

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Reply

49. dfbaskwill says:
I wonder if Kafka ever contemplated transgenderism? That would seem the only way to make this case more bizarre.

Interesting that colleges are so hostile to men now that a woman can actually sexually assault an unconscious male and not only not any have any legal or administative repercussions, but she can actually have the male punished. Amazing. War on Women, indeed.

When the college tells students they don’t have a right to an attorney, does that mean just for the purposes of the college’s investigation and hearing or in general?

Cause it seems to me that while the college can keep you from bringing an attorney on campus to act as an advocate, I don’t see how they can keep you from consulting one.

And I would think that anyone caught in a Kafkaesque situation like this would be well advised to speak to an attorney.

I hope John Doe sues Amherst back to the stone age, I hope he financially destroys everyone involved in this sickening tale....
Jay says:

June 10, 2015 at 3:22 pm

Wait a minute. “John Doe” was drunk when “AS” had sex with him? Isn’t that rape? John Doe is not able to give consent if he’s drunk, right?

Reply

Ron Winkleheimer says:

June 10, 2015 at 3:03 pm

In a sane world it would be self-evident that she is the one guilty of rape according to the college’s standards to anyone, even college administrators.

She performed oral sex on someone in a blacked out state. By Amherst’s own standards she initiated and performed a sexual act with someone who was incapable of giving consent.

It is obvious that none of these people care about justice or due procedure. I don’t understand why anyone would attend such a horrific institution.

Reply

TallDave says:

June 10, 2015 at 3:02 pm

Amherst Rape Incident Guide — A Comprehensive Document

1. Determine if any party is male.

Reply

Alejandro says:

June 10, 2015 at 2:20 pm

I hope the wrongly convicted student sues both his slanderer (whose name must be made public to protect other potential victims) and Amherst for a few million.
Rhonda Cobham-Sander and the feckless panel members must be tried and convicted as an accessory.

Running and participating in these kangaroo courts should be expensive for these little Hitlers.

Reply

57. Robert says:

June 10, 2015 at 6:50 am

This “woman”, and by extension Amherst College–her enablers–are pure evil.

Reply

1. mr burns says:

June 10, 2015 at 5:15 pm

They are evil indeed, and worse still they seek to increase evil in this world and spread their poison. Such people used to be whipped and branded or in the most egregious cases burnt at the stake. Perhaps, after due process, such practices should be revived.

Reply

2. Hokinitsu says:

June 11, 2015 at 4:41 pm

Some day they’ll die.

One can only hope an outside element is involved

Reply

3. Luke says:

June 11, 2015 at 7:17 pm

She isn’t evil. You don’t know her.
1. **RUSerious** says:

June 14, 2015 at 10:27 pm

Yes she is. She knowingly falsely accused a man of raping her under this new age feminist interpretation of rape. Where the man is 100% liable and the female has no responsibility. She is more likely of being the rapist than anyone.

2. **dfbaskwill** says:

October 5, 2015 at 4:25 pm

Balderdash. She is pure evil.

58. **EB** says:

June 9, 2015 at 8:32 pm

Wait. How does a person who is blacked out force another person to continue with oral sex after “consent” has been withdrawn? There was no mention of force or threats.

1. **David** says:

June 10, 2015 at 11:55 pm

He regained a reflexive, but unconscious, control of his body and through muscle spasms continued to hold her down, of course.

2. **Toastrider** says:

June 11, 2015 at 7:29 am

Somewhere in Hell, Stalin is going ‘Holy shit, I’m impressed!’
Heck, John Doe has a better case to charge AS with rape than she does against him.

Reply

3. SDN says:

June 11, 2015 at 8:46 am

“Behold the power of this fully operational Y chromosome!”

Reply

4. toe says:

June 11, 2015 at 9:45 am

Blacked out here means “does not remember what happened”. It does not mean “lying on the ground unconsciously”.

Alcohol impacts your memory so you are quickly forgetting what happened. However, you are still responding to the environment, talk with people and so on, although in dumber then normal way (e.g. you act like drunk). So, you can have sex and not remember it the next day.

Helplessly lying on the ground is something different.

Reply

1. Tom says:

July 24, 2015 at 6:47 pm

So, since he was drunk, he couldn't consent, meaning that AS assaulted/raped him.

Why exactly was the victim expelled?

5. Jeffersonian says:

June 11, 2015 at 1:00 pm
Indeed, it seems to me that if there was any sexual predation going on here, it was on the part of AS.

Reply

6. B says:

June 11, 2015 at 1:15 pm

Blacked out is not passed out. You’re still awake and appear to be functioning (but also appear to be really drunk). Alcohol lowers inhibitions, so when blacked out, one will often do stupid things and totally not remember them later.

https://www.mindingthecampus.org/2015/06/amhersts-version-of-kafkas-the-trial/