

## Columbia Mattress Girl

Last year the long saga over the Columbia University mattress girl came to an end. It was a costly lesson for the New York university and a sign that buying into the notion of a “campus rape culture” can prove a big mistake for esteemed centres of higher learning. Australian universities take note.

In 2015 the mattress girl, Emma Sulkowicz, became a global celebrity by turning what was found to be a false rape allegation into performance art by carrying her mattress with her everywhere on campus. She was protesting against Columbia’s decision not to take action against a young German student, Paul Nungesser, whom she’d accused of choking and anally raping her.

Columbia has now reached a confidential settlement with Nungesser following his lawsuit claiming the university supported “an outrageous display of harassment and defamation” by allowing Sulkowicz for three years to use her mattress to hold campus protests where people openly called him a rapist. Sulkowicz was given academic credit for the performance as part of her visual arts major and was allowed to carry the mattress in her graduation ceremony.

It’s most unlikely any jury would have convicted Nungesser given the facts of the case. There’s a Facebook message from Sulkowicz to Nungesser two days after the alleged rape saying she was keen to join in a party in his room. A month later she sought more contact: “I want to see youyououyou”. The following month she messaged: “I love you Paul. Where are you?” Hardly surprising that the university’s investigation found Nungesser not guilty of assault.

Similarly murky facts emerged in accusations made by two other women about Nungesser. Investigations were held. The man was found not guilty. Yet the university chose to pander to extremists who believed the accuser was always right by allowing the mattress pantomime to continue for three whole years. Columbia is rightly out of pocket and forced to grovel, promising to update its policies to ensure “every student — accuser and accused, including those like Paul who are found not responsible — is treated respectfully”.

Universities across the US are being sued for their failure to offer basic legal protections for the many young men who are being accused of such crimes on college campuses. False accusations in the quasi-judicial campus tribunals, forced on the universities by the Obama administration, have led to endless Federal Court lawsuits against the universities, which have lost most cases involving students, 53 cases to 37, according to Brooklyn College history professor KC Johnson, co-author of *The Campus Rape Frenzy: The Attack on Due Process at America’s Universities*. Many colleges pay out six-figure settlements, says Johnson, who is monitoring the 170 similar cases working their way through the court system.

Many in the US university system are having second thoughts about their adoption of the rape culture narrative that even may have encouraged false accusations. Suddenly they find themselves on the wrong side of the political debate as US President Donald Trump has promised to wind back

the tribunal system because it lacks due process.

With women already comprising almost 60 per cent of student graduates, many are concerned males will be discouraged even further from entering university. "American universities have allowed feminist ideologues to set up such a strong anti-male environment that it is hardly surprising that many young men are now reluctant to put themselves at risk," says Janice Fiamengo, a University of Ottawa English professor who has long been speaking out about the feminist takeover of the US university system.

She's just published a book, *Sons of Feminism*, documenting the nightmare of false allegations, covert aggression and hostility young men face on campuses, particularly males who don't fit readily into the prevailing culture. "Men seen as outsiders, nerdy, shy young men who don't relate easily to women are quickly branded 'creepy' and are particularly at risk of false allegations," says Fiamengo.

In March 2016 a federal judge in Massachusetts ruled against Amherst College following legal action against the university by a young Chinese student, Michael Cheng, who was wrongly accused of sexual assault by a young woman who had performed oral sex on him when he was passed out drunk.

That's just one of many cases involving international students. In 2014 Colgate University in New York reported half of all students expelled for sexual misconduct were international students, yet these young men comprised only 6 per cent of the student body.

The vulnerability of young men who may be culturally less familiar with the prevailing social language should have Australian university administrations worried. Our cash-strapped university system is dependent on full fees paid by overseas students so it is natural that administrators quake at the knees at any threat to that lucrative market.

Remember all those vice-chancellors who went scurrying over to India to reassure potential students when racist attacks on Indian students in Melbourne hit the headlines? Pandering to feminist ideologues propagating scare stories will risk the reputation of Australian universities as a safe place for international students. Why would affluent families in India, China or Malaysia consider sending their daughters to study at such campuses, let alone their sons?

Soon we'll see the release of a million-dollar Australian Human Rights Commission survey, funded mainly by the University Commission, an exercise in advocacy research where stories of "survivors" will be used to illustrate the survey results.

Statistics pertaining to rape on campus will include behaviours such as staring and sexy comments, which will artificially inflate the statistics. Survey responders were self-selected and include those who were not students at the time of the alleged event. Universities are falling over each other already in responding to the anticipated frightening statistics, setting up a 24-hour hotline for rape

survivors, sexual assault counsellors and compulsory sexual consent training for staff and students. We are also seeing the first moves towards on-campus adjudication of such cases.

The US campus “rape frenzy” started with a survey showing one in four female students were sexually assaulted. Numerous books and articles have since shown the survey in question was totally flawed. A 2014 Bureau of Justice Statistics survey revealed about one in 40 US college students had been victims of rape or sexual assault and the rate had dropped by more than 50 per cent since 1997.

We’ve had our own dubious survey, from the National Union of Students, claiming 73 per cent of female students in Australia say they have experienced some form of sexual assault, harassment or unwanted sexual experience.

And as in America, the so-called documentary *The Hunting Ground* has been shown on campuses across the country as well as on the ABC. Hunting Ground Australia, the local organisation promoting the movie, provided \$150,000 in seed funding for the HRCA survey. It boasts on its website that University of Sydney vice-chancellor Michael Spence was part of a group that included former sex discrimination commissioner Elizabeth Broderick and worked to orchestrate university screenings.

Australian universities seem to be engaged in a virtue-signalling contest to show they are all on board and have announced they expect a flood of “victims” to come forth following the AHRC findings. Next, we’ll see pressure for the universities to deal with these cases themselves rather than rely on the criminal justice system to handle them. That’s the whole point: feminists don’t believe the police and the courts can handle these cases because not enough men are convicted.

Last week, *The Chicago Tribune* published an editorial entitled “Campus Rape? Call the police”. It made the simple point that criminal law systems — civil authorities with no agenda to protect a university’s reputation or to short-change an alleged victim or perpetrator — are best suited to mete out justice.

That’s obviously true. Yet we find that in these “he says, she says” sexual consent cases involving alcohol-fuelled young men and women it is rare that juries convict young men, especially if there’s a stream of text messages showing she was still keen on him after the alleged rape.

Margaret Cunneen SC is one of NSW’s most senior crown prosecutors, best known for securing convictions in the Bilal Skaf-led gang rape cases in Sydney. She believes juries usually make sound decisions when they convict or decline to convict in date rape cases. “Juries won’t find an accused man guilty in situations where the evidence discloses substantial gaps in a complainant’s memory during which consent may well have been conveyed,” she says. “It is a fundamental human right that a person accused of a crime, especially one as serious as sexual assault, can only be found guilty upon proof beyond reasonable doubt.”

Cunneen takes issue with the view being promoted by the campus rape campaigners that sexual

activity between two intoxicated young people must invariably be regarded as assault on the woman and totally the man's responsibility, as is apparently being taught in compulsory sexual consent courses being established on most Australian campuses.

A 2015 study published in *The New England Journal of Medicine* found teaching women to recognise dangerous situations and resist sexual coercion reduces the incidence of date rapes by almost 50 per cent. The study's author, University of Windsor psychologist Charlene Senn, said her program "increased women's ability to detect and interrupt men's behaviour at an early stage", hence avoiding the prolonged pressure that can result in sexual assault.

Yet naturally any notion of female agency is totally lacking from our campuses' feminist-driven consent courses.

According to the police reports collected by the NSW Bureau of Crime Statistics, university campuses are about 100 times safer than the rest of the community. There were 14 campus sexual assault reports to police between 2012 and last year compared with 24,498 across the state. So, comparing NSW university populations (students and staff) with total numbers in the state, this means people are 108 times likelier to be sexually assaulted across NSW than on one of the state's university campuses. National data is not available but there seems no reason that states would show much variation.

Cunneen says this data is readily available yet the campus rape campaigners are determined to play down official statistics by claiming students are reluctant to report sexual assault to the police. "While it is certainly true that prosecuting authorities and the courts, in the past, have not always dealt with these cases properly, now the entire criminal justice system is geared towards giving young complainants a compassionate and complete hearing," she says. "Why would highly educated, confident and privileged young women be less inclined to report sexual assault than women elsewhere? It doesn't make sense."

She's concerned that the AHRC and our universities are participating in a deliberate effort to beat up the risk to young women on campuses by conflating the real incidence of rape or sexual assault with issues such as harassment, an unwanted stare, or a sexual joke.

"These things may in certain circumstances be confronting to a young woman, but they do not constitute the serious crime of sexual assault," she says.

Cunneen believes it is not in our universities' interest to take on the burden of adjudicating such cases, as happened in the US with such damaging results to the colleges' reputations and budgets. "Even worse, it risks stripping citizens of the fundamental protections to which we are all entitled under the rule of law," she says.

Yet already we see moves in that direction. RMIT University has proudly announced a system of

“restorative justice” for rape victims that is expected to come forth in the following weeks. Normally, restorative justice programs bring together victims with perpetrators who have acknowledged their guilt but RMIT is not intending to involve the accused in the conciliation process but, rather, will make “some assessment of whether the allegation was plausible” before allowing victims to give voice to their experience of abuse and its impacts, according to Rob Hulls, director of the program.

And what of the accused young men? Says Fiamengo: “Even if these events are held in private, people talk. Imagine what it’s like for a young man to discover his name is being blackened. Many young men emerge deeply scarred from being accused of such serious crimes without being given the opportunity to defend themselves.”

But that’s exactly what the campaigners are seeking. Nina Funnell, a key figure in End Rape on Campus Australia, a lobby group promoting the campus rape campaign, makes it clear the goal is a “formal compliance mechanism” for sexual assault victims. She wrote on the news.com.au website of the need for universities to “discipline offenders (including staff who have raped students)”.

Some of Fiamengo’s powerful video blogs, The Fiamengo Files, document the risks to due process: “The resulting system of kangaroo courts is outrageously tilted in the accuser’s favour with a far lower standard of proof than in the criminal system, the accused often not given details of accusations or allowed a lawyer or permitted to cross-examine his accuser, or able to provide evidence from email and text messages sent before or after the alleged encounter. It’s a shocking abuse of power.”

George Washington University law school professor John Banzhaf estimates the tribunal system is costing US universities more than \$US700 million (\$880m) a year, plus substantial costs from legal cases. Office of Civil Rights data shows across a five-year period the number of sex-related complaints increased sixfold, from 391 in 2010 to 2354 in 2014. This month campus administrators have been meeting Trump officials complaining they cannot afford to maintain this costly exercise.

And still the feminist campaigners are not satisfied. Although accused students are likeliest to sue universities, almost a quarter of the most recent cases were alleged victims who felt they weren’t given a fair hearing, according to Stop Abusive and Violent Environments, which monitors all such cases.

This month feminists have been meeting with Trump’s people complaining the system doesn’t go far enough in supporting victims.

Just after Columbia University received its costly rap over the knuckles for pandering to the mattress girl, in Australia we saw campus “rape survivors” demonstrating outside federal parliament, claiming there was an epidemic of rape on Australian campuses and carrying mattresses to make their point.

It shows the risks our university system is taking in playing to the hands of insatiable extremists.