## Public Comments University of Michigan Regents' Monthly Meeting 17 November 2011 Professor of Pathology Douglas Smith, MD, PhD Retired, University of Michigan Medical School

## President Coleman

You don't need to travel to Penn State to find a University Administration who has failed to protect the alleged victims of sexual assaults, particularly if they involve football or basketball players.

In 2009, a UM football player and field goal kicker, Brendan Gibbons was arrested for allegedly raping an 18 year old freshman at a CHI PSI fraternity party, where she had been served alcohol to the point of intoxication.

The police report recounts her description of how he took her to the third floor of the fraternity to use the bathroom but ended up pushing her into a small bedroom, forcing her onto the bed, lifting her dress, pulling down her tights and having intercourse. Police reports say that Gibbons admitted to having sex with her but claimed it was consensual. However the victim said that her rape exam showed vaginal tearing and the police took pictures of bruises on her biceps area.

She did everything you could expect from a victim. She left the house immediately, she immediately reported the events to her resident advisor, to campus police, to Ann Arbor police and she went to the University Hospital for a rape examination where she reported the incident to the Sexual Assault Prevention Center.

However, she was almost immediately subjected to threats and peer pressure. The same day, another football player and friend of Gibbons mistook one of her friends for the victim and aggressively yelled out "is this the girl, is this the girl" and when he realized it was her friend said "what, she hasn't been smooshed that way before". Then again two weeks later the same football player threatened to rape the victim again if she pressed charges. This was reported to the Student Services Office and to SGT. Conners of the campus police but no apparent action was taken in response to the threats. After such intimidation and peer pressure, she stopped cooperating with the police so they did not bring charges against Mr. Gibbons.

Where was the University Administration when it came time to protect this victim and assure her that she had the support of the Administration? Where was SAPAC? Where were the campus police? Why were neither Gibbons nor the football player who threatened to rape her again brought up on charges of violating the student code of conduct? Did the University administration take any action against the CHI PSI fraternity who served an underage student to intoxication?

Earlier this year, a UM basketball player, Jordan Dumars, was accused of forcible oral sodomy by an EMU student. All of the witnesses and an alleged co-perpetrator gave immediate voluntary statements to Ann Arbor police, except for Mr. Dumars.

He delayed meeting with the police for weeks because he was warned by a University administrator, whom he would not name, that he was under investigation by the Ann Arbor police. Who was that administrator and did he learn about the investigation from the campus police? Breaching confidentiality in a police investigation would be a serious offense. Did the University administration investigate or discipline the administrator?

Once again the Administration was taking sides with the alleged perpetrators rather than protecting the victims.

Penn State was only an anomaly because the victims were children but the fact that the University Administration chose to protect their athletic programs rather than the victims is not an anomaly it is the norm.

The University President was fired at Penn State for not doing enough to protect the victims. This Board needs to realize that President Coleman's Administration is just as guilty of not protecting the alleged victims in these cases. Bob Schiefer said it best on Fact the Nation this week; "When protecting the institution is put ahead of protecting those it is intended to serve, it is eventually the institution that is at risk".

President Coleman, you said in you letter to the University community "At Michigan we are devoted to the highest ethical standards; we expect honesty and integrity from every member of our faculty, staff and student body...It is important for us to act immediately in suspected cases of abuse...Taking action may be difficult, or uncomfortable or inconvenient. But the alternative, delaying action or taking no action, puts the welfare of others at risk.

President Coleman, what action did you take to protect these very young women!

President Coleman, here are the police reports. I hope that you will read them. Perhaps then you will cheer a little less enthusiastically the next time the football team scores a field goal.