Polis sparks controversy with remarks about campus rape cases

By Elizabeth Hernandez
The Denver Post

POLIS

U.S. Rep. Jared Polis said Thursday that colleges should be able to use a lower standard of proof to expel students accused of sexual assaults on campus.

The Boulder Democrat’s remarks came at a congressional subcommittee meeting on higher education about preventing sexual assault on college campuses. (Watch video here [https://youtu.be/MPyzZYzILrM?t=1h56m12s].)

"If there are 10 people who have been accused, and under a reasonable likelihood standard maybe one or two did it, it seems better to get rid of all 10 people," Polis said. "We're not talking about depriving them of life or liberty, we're talking about them being transferred to another university, for crying out loud."

A private college, Polis also argued, may want to use a "preponderance of evidence" standard or lower than such as a "likelihood standard."

"If I was running one I might say, well you know, even if there is only a 20 or 30 percent chance that it would want to remove this individual," he said.

The audience at the hearing applauded his stance at one point, but the remark drew a sharp reaction from critics.

Joseph Cohn, a policy expert at the Foundation for Individual Rights in Education, responded that "due process is paramount." He added that a "likelihood standard" would not "have any chance of satisfying a due process challenge."

Polis, whose district includes the University of Colorado at Boulder and Colorado State University, was not immediately available Thursday to elaborate on his comments. But his spokeswoman, Kristin Lynch, said Polis was making the point that the top priority when it comes to sexual assault on campus is to ensure the safest campus possible.

"We're happy to debate that with anyone and, to be frank, it's disappointing that some are casually dismissing the basic premise that universities have the responsibility to go beyond criminal law in protecting students from sexual assault," she said.

"There's no stronger supporter for criminal due process than Jared - he's spent six years in Congress..."
advocating for fixing our broken drug laws and eliminating warrantless government searches and seizures," she continued. "But this debate doesn’t occur in the arena of our criminal justice system. We’re talking about educational institutions and the safety of their campuses."

In response to criticism on Twitter (https://twitter.com/jaredpolis/status/642009269975100416), Polis clarified that "the standard for jail is and should remain beyond a reasonable doubt."

In an interview (https://reason.com/blog/2015/09/10/rep-jared-polis-thinks-colleges-should-b) Thursday with Reason.com, a libertarian-minded publication, Polis suggested if it was his son who was accused of a sexual assault, he would suggest he leave campus.

"If my son had a baseless accusation made against him at a university and it was making his life there miserable, I would suggest he transfer or take courses online," Polis told the publication, which criticized him for his remarks. "It can be a living hell to go through endless campus investigations. I’ve seen this go down, and there really is no winning once the accusation is made even if the process provides formal vindication.

"Someone who is wrongfully accused needs to do their best to put it behind them and move on. Trying to re-enroll in the same institution would be a constant reminder of the traumatic experience of being the subject of a baseless accusation.

"If a university were to implement a 'reasonable likelihood' standard, it is important that they give the student the ability to withdraw so that their record isn’t tainted, nor should a mere reasonable likelihood standard hurt their prospects elsewhere."

Polis added that universities should be able to decide where they stand on the matter, pointing out that University of Colorado has an elected Board of Regents for this purpose.

"There is room for all sorts of standards in the marketplace and prospective students will choose the right balance based on their preferences and the reputations of the various universities," he told the publication.

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Staff writer John Frank contributed to this report.

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Wow. This is my rep in the US Congress. Let's be clear - Polis thinks students who have been wrongly or falsely accused should be removed from college campuses regardless of the evidence and that no due process is necessary. A girl could with malice wrongly accuse someone under this standard with the goal of
Polis’s justification is that it doesn’t ruin their lives! Really? You can invest 3 years of tuition costs toward a degree like the wrongly accused student at Amherst and be pitched out your SENIOR year and that doesn’t ruin your life??? Where is a student kicked out for rape supposed to finish his degree?? If all schools operate at this standard wouldn’t they decline to admit such a student? If he truly was a rapist shouldn’t they decline admission? Shouldn’t he be in JAIL?

The student at Amherst was in fact wrongly accused by his girlfriend's roommate who joked about her promiscuity in a series of texts to friends. Yet Amherst still kicked him out. Hey Polis, do you know how much the tuition is at Amherst? His parents know of course... they have spent $180 grand thus far and their kid doesn’t have a degree. Should the false accuser also be kicked out? Or does she get a free pass?

Jesse Matthew, the actual murderer of Heather Graham, was kicked out of Christopher Newport college for sexual assault that he actually committed. This was insufficient punishment though since he went on to rape and murder Heather Graham. I hope her parents filed a wrongful death against that crap school who acted as judge, jury and law enforcement. Polis, what infraction would a congressman have to commit to get kicked off Capital Hill?

Polis that is a completely ridiculous position.

Get rid of all 10 accused because 1 or 2 are guilty?
That is insane.

I didn’t think it was possible for me to think any less of you as a Congressman but congrats. You somehow managed.

Polis is a social liberal and those socialists is spewing the PC line. That is ridiculous is of no merit.

Liberal/Progressives. Going all out to support protection of thugs (Black Lives Matter) but throw out the Constitution for all the rest of us citizens. Not a surprise. His hero Obama only follows the Constitution when it suits his agenda. Despicable.

I guess living a life of entitlement gives someone this perspective. In Polis’ warped view, if you just spent $200k and three years of your life scratching to try to get a degree from a good school, and you are wrongly accused and forced out on a false allegation, it is no big deal, because “your people” can just get you into another school somewhere else.

Here is a wakeup call you idiot: if you are kicked out or even just accused on a trumped up charge, it would be part of your record, and it would most likely make the news media as well. Do you really think that being tossed from (insert selective school here) it is not going to weigh heavily on whether you are admitted to even a third tier school? Hell, you would probably be blacklisted forever from even going to Front Range. Ask anyone who has had this happen to them. Oh yeah, just take online courses from Harvard when you are kicked out?

What a jerk. This is a perfect example of why we should not elect candidates for office from privileged backgrounds.

"I mean, even if there is only a 20% to 30% chance that they have worldview warped by privilege, I would not want to elect that individual." Makes sense, right Jared?
Polis is a silly little man, made rich by his family business. He's also a knee-jerk compassionate, siding with whoever he perceives to be mistreated or abused. He projects his own insecurities with respect to perceived injury and discrimination onto others, so that he can champion their cause. His policy would jeopardize the futures of wrongly-accused men, but then men are usually bad, right?

It's said that Duke paid a $60 million settlement to the three wrongly-accused lacrosse players. Can you imagine what that did to Duke's insurance premiums? In Duke's case, it's a private university, so with the exception of things like government research grants, it's privately funded. In the case of CU and CSU, publicly funded schools, "our" money is at stake. Maybe a rich kid like Polis doesn't think about things like that, let alone destroying the lives of innocent men.

>But this debate doesn't occur in the arena of our criminal justice system. So the rule of law ends at the university steps? Polis, you are a f'ing moron.

The woman is always right, regardless of the truth. The new feminism. I guess it gets votes.

Polis you jackass...

The utterly terrifying thing is that Polis is just saying aloud publicly what has already quietly become policy at universities across the country.

"Better to arrest ten innocent people by mistake than free a single guilty party."

A.) Kim Il-Sung
B.) Jared Polis
C.) Pol Pot
D.) Mao Zedong

This is the worse public policy I have ever heard. Try transferring to another university with a wrongful accusation hanging over your head. Looks good on your record as well. I think this will back fire for Polis and his office will work to mitigate the damage.

Jared, I have supported you in the past, but you just lost my vote with these crazy comments. The direction you suggest is the opposite of the one we ought to be taking. Right now, all it takes is a mere accusation by a female, and the guy, whether student or faculty, is history. This is especially true at ultra-PC CU. The standard ought to be, at least, "preponderance of evidence," and there ought to be a presumption of innocence all the way through the process. You suggest, on the contrary, that it's perfectly fine to punish guys who are completely, demonstrably innocent, and that, my friend, is Nazism, literally. I don't want anybody holding that opinion engaged in making laws for this country.
Protection of a class of people at the expense of individual rights is the essence of socialist justice.

This is how incremental collectivism works through social engineering. Incubated in the universities, hatched by politicians, it is later unleashed on the general public.

Jared Polis; thought Nazi. Goodbye due process.

So Polis took an oath to support the U.S. Constitution?

"I, (name of Member), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God" (5 U.S.C. §3331).

If I don't like someone, should I be able to make an accusation and get them automatically kicked out of school with no review of facts? I really hope these remarks have been misquoted. It seems as if Polis views people as insects where you may as well smash ten if it's the easiest way to get one.

how do you think you are polis! I can't believe I voted for you!

Wow. All of you commenters are seriously missing the point here, as is Polis, actually, and the author of this article.

The article doesn't even mention the victims once.

Polis thinks that staying on campus after being "wrongfully accused" would make your life a living hell? Try being the sexual assault survivor and being forced to see your attacker on campus, day after day. Talk about a living hell.

Most campus rape cases are a question of he said/she said with little or no physical evidence that can refute the attacker's claim that the sex was consensual. That is why so few rapists go to jail; it's very challenging to prove rape beyond a reasonable doubt. Polis is not saying that falsely accused rapists that we KNOW are innocent should still have to leave campus; he is basically saying that suspected rapists who we cannot prove are guilty OR innocent should leave campus. I believe that this is done primarily for the benefit of the victim, despite how Polis (and the author of this article) present this policy, as well as to prevent a potential sexual predator from assaulting other students. I think colleges that take this approach would be sending a strong statement of zero tolerance for sexual assault.

Polis's ideas are a good starting point, but the system would be more efficient and would better protect victims if the accuser could remain anonymous and the accused expelled immediately, without a hearing, since a hearing would be meaningless anyway.
20% chance he did it so he gets kicked out.
80% chance she lied ...and she gets ??????

How about we protect ALL students.
No one gets named, accused or accuser, until after guilt or innocence is LEGALLY established.

Re: he is basically saying that suspected rapists who we cannot prove are guilty OR innocent should leave campus
If a person cannot be proven guilty then they are innocent - it's how our system works and the standard should not be lowered for a college campus.

Re: as well as to prevent a potential sexual predator from assaulting other students
According to Polis "a mere reasonable likelihood standard (shouldn't) hurt their prospects elsewhere" so apparently he thinks it's a-okay for a "potential sexual predator" to simply go elsewhere (another college campus) and continue assaulting students.
Colleges are, for a variety of reasons, ill-equipped to adjudicate accusations of sexual assault. Such accusations should be dealt with by the local police and district attorney.
Poli's suggestion does nothing to reduce the possibility of sexual assault on college campuses - it merely shuffles suspected assailants from campus to campus.

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