

# The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843 - 2021

PHILADELPHIA, MONDAY, FEBRUARY 8, 2021

VOL 263 • NO. 25 \$5.00 An **ALM** Publication

## School Ordered to Pay \$2.5 Million To Rape Victim

BY KATHERYN TUCKER  
*Of the Legal Staff*



**WILLIAMS**



**BEZAR**

The Philadelphia lawyers who won a \$2.5 million judgment for a student who was raped during a study abroad program said the case sets precedent for responsibility of schools and colleges to provide safe accommodations for international travel.

U.S. District Chief Judge John J. McConnell Jr. of the District of Rhode Island issued the order and judgment Feb. 2 in favor  
*School continues on 10*

## School

-----  
*continued from 1*

of a student identified as Jane Doe following a Zoom bench trial. The judge said the Rhode Island School of Design must pay her interest and legal fees in addition to the compensatory damages award for her trauma and its continuing effect on her life.

The judge found the school negligent because the bedrooms in the students' townhomes did not have functioning locks. The doors could only be locked with keys that were never given to the students. A male student staying in the same four-bedroom house entered Jane Doe's room while she was sleeping and attacked her. She was 20 at the time, 2016. It was the first night of a three-week trip to study art in Ireland.

"The evidence is clear," McConnell said. "If Jane had been able to lock her door, the perpetrator could not have gained access to

her room and then raped her. The rape was a direct and proximate result of the negligence of RISD and its officials."

The winning lawyers, David Williams and Nadeem Bezar of Kline & Specter, said the judgment created case law for Rhode Island, with potential use in other federal courts, by establishing that institutions have a duty to provide for the protection of students in travel-abroad programs.

"By resolving to see this matter through to the end, our brave client created new Rhode Island case law as a result of this lawsuit," they said in a joint statement. "Hopefully, colleges and universities everywhere will now recognize something so basic—that they must exercise due care when providing housing to their students."

Steven M. Richard of Nixon Peabody in Providence defended the Rhode Island School of Design, a private art college.

"We are disappointed by the court's findings," school officials said in a

written statement responding to an inquiry. "However, due to confidentiality laws and out of respect for Jane Doe's requested privacy, we are not able to discuss the details of this lawsuit."

They went on to say that the school "is deeply committed to providing a safe and supportive environment for our students." They have "a cross-functional international incident response team that works both proactively and reactively to keep RISD community members safe during international travel experiences." And they "assembled a broad-based Sexual Misconduct and Safety Task Force in the fall of 2018 to review, reinforce and enhance our provision of prevention, support and response processes surrounding sexual misconduct on and off campus."

"As a result of the task force's work, RISD created a standing Title IX Oversight Committee. Consisting of a diverse group of faculty, staff and students, the committee is

charged with implementing the recommendations of the report and providing additional guidance around campus culture, changes in governmental legislation and best practices around communication, process and training," the school said. "We take allegations of sexual misconduct by or against our students very seriously, and we are dedicated to providing thorough, prompt and equitable responses to such allegations when brought forward."

The judge said the resident assistant for Jane Doe's program responded appropriately when she reported the rape the next day—assisting her with securing medical attention and removing the perpetrator from the program. But he also said the risk was foreseeable because the exact same kind of incident had been reported three years earlier on a study program in Italy. Both involved a failure to provide a bedroom door that locked.

*Katheryn Tucker can be contacted at ktucker@alm.com. •*