

# Ex-UMBC baseball players, part of national trend, turning tables on sexual assault accuser in court



Three former UMBC baseball players have filed a defamation suit against a woman who accused them of sexual assault. (Jen Rynda / Baltimore Sun Media Group)



By **Catherine Rentz**

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**T**hree former baseball players from the [University of Maryland, Baltimore County](#) are suing a woman who accused them of sexual assault, part of a growing trend of male students facing sexual assault claims taking their female accusers to court.

The defamation, malicious prosecution, abuse of process and invasion of privacy claims were filed recently in response to a civil lawsuit the woman brought against the men in Baltimore County Circuit Court.

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air name and get their accuser to drop sexual  
in cases usually end in settlements.

“Over the last three and half years, there’s been far more legal action brought by men charged by the institution with a sexual assault violation,” said Saunie Schuster, a lawyer who advises a range of colleges and co-founded the Association of Title IX Administrators. “The trend was for them to file an action against the institution for due process, but along the way, we started seeing them not just going to file action against the institution, but also civil actions against the victims.”

Schuster said her group has seen about a dozen defamation challenges over the last couple of years across the country and several more threats of such cases.

Defamation claims are difficult to track because most are filed in state courts. United Educators, an insurer that covers more than 1,000 schools and universities across the country, found that alleged perpetrators added victims as defendants to lawsuits against schools, or sued them separately, in 15% of claims filed by members between 2011 and 2015, the latest data published by the insurer.

The rise in defamation suits follows a surge in reports of student-on-student sexual harassment under Title IX, the federal law that prohibits sex discrimination in federally funded schools.

Before, 2011, Title IX was rarely enforced and largely ignored because of a strict standard of proof, according to K.C. Johnson, a professor at Brooklyn College and expert on due process in college sexual assault cases.

But changes triggered during the Obama Administration swung the pendulum to the other side, Johnson said.

The guidance switched to a “preponderance of the evidence” standard, meaning the incident was more likely than not to have occurred. It also made it more difficult for the defendants to access all evidence against them and to cross-examine the accusers.

Sexual assaults on and off campus reported to college authorities across the country more than doubled at Maryland schools, according to U.S. Department of Education data, mirroring a national trend.

Critics of the Obama Title IX guidance said it favored accusers and made it more difficult to defend oneself.

Eric Rosenberg, an Ohio defense attorney, has filed 20 lawsuits against universities in Maryland and across the country on behalf of men accused in campus sexual assault cases. He said he has also filed a defamation suit against the accused woman along with almost every due process case.

“Without defamation, the accused can’t put it behind them,” Rosenberg said. “It’s only through defamation cases that people stop spreading the rumors and students can move on academically and professionally.”

He said even if students win their due process cases against the universities and get their discipline records expunged, the cases can follow them. For example, many licensing boards and graduate schools still require  
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And many men found themselves accused and then expelled from schools — their academic and professional careers over, Rosenberg said.

Due process lawsuits filed against schools have shot up from about once a year between 1994 and 2011 on average to about once a week over the last two years, Brooklyn College's Johnson said.

The vast majority of those cases were male students accused of sexual assault seeking recourse in the courts because of what they deem an unfair process in the schools, said Johnson, who tracks the federal cases in a database.

Michelle Daugherty Siri, a lawyer with the Towson-based Women's Law Center, and other advocates are concerned defamation suits could have a "chilling effect" on women who have been assaulted pursuing justice.

Fewer than half of rapes or sexual assaults are reported to police, according to the U.S. Department of Justice. **Fear of reprisal and getting the offender in trouble are two of the top reasons victims give for not reporting.**

In the Baltimore County case, the woman, then a Towson University student, accused the three men of raping her in 2017. The woman, another female Towson student and the men were drinking before going to an apartment. There, everyone engaged in sexual acts, according to police records and court documents.

The men told the police the women engaged in consensual sex with them, according to detectives' notes. The women told police the next morning they had blacked or passed out and were sexually assaulted.

The Baltimore Sun generally does not name victims of alleged sexual assault.

After the Baltimore County state's attorney's office declined to charge the men, the Towson woman applied for criminal charges directly with a commissioner of a Maryland district court.

The charges were ultimately dismissed, and are now on appeal, but the charges put the men's names in Maryland's public judiciary database as defendants in rape cases.

The lawyer who represents the men, Ronald L. Schwartz, did not make the plaintiffs available for interviews.

The men allege in their complaint that the woman and her lawyer, Rig Baldwin, made "misstatements of fact" in her court application for criminal charges against the men, including that the men had spiked the woman's drink and forced sex without her consent.

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The men claim they have suffered “emotional distress, death threats, public approbation, special and consequential damages” as a result of the accusations.

Schwartz told The Baltimore Sun that there is “absolutely no evidence” that the men spiked the women’s drinks, as the woman’s lawsuit alleges, or that the women were incapacitated.

Baldwin told The Sun the allegations of defamation and malicious prosecution against him and his client are “ridiculous.”

Last fall, the Department of Education proposed new Title IX rules governing schools’ reaction to sexual assault and harassment.

The rules would improve defendants’ access to evidence and the right to cross-examination.

The **proposed rules include estimates of millions in potential cost savings** for schools because schools would no longer have to investigate informal complaints, those that occurred off campus, and those outside campus-sanctioned events or activities.

The rules have gone through a public comment process, drawing more than 120,000 comments through February of this year, and are not expected to be finalized for several more months.

*Baltimore Sun data reporter Christine Zhang contributed to this story.*

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