

FOR IMMEDIATE RELEASE
September 21, 2021
Contact: Aidan O'Shea
aoshea@publicjustice.net

Survivors of Sexual Assault at Ohio State University Announce Appeal of 'Deeply Disappointing' Ruling Denying Justice for Former Students & Others

Survivors of decades-long sexual abuse perpetrated by Ohio State University Dr. Richard Strauss announced today that they intend to appeal [a ruling](#) from the U.S. District Court for the Southern District of Ohio that would prohibit them from holding the university accountable for its role in fostering and concealing the abuse. The court's order granting OSU's motion to dismiss the claims of hundreds of survivors wrongly interpreted the law on the timeliness of Title IX sexual abuse claims, their legal team said. They plan to ask the U.S. Court of Appeals for the Sixth Circuit to overturn today's ruling. The survivors in the *Snyder-Hill* and *Moxley* cases are represented by Scott Elliot Smith, LPA; Emery Celli Brinckerhoff Abady Ward & Maazel LLP; and non-profit litigation and advocacy group Public Justice. The team represents 126 total survivors in two separate lawsuits.

"Today's ruling is not only deeply disappointing," the legal team said in reaction to the ruling today, "but also sends a disturbing message that the very real challenges sexual abuse survivors often face in understanding what has happened to them – and who enabled the abuse they experienced – is irrelevant when they ultimately ask for the court's help in holding abusive people and institutions accountable. OSU spent decades denying, hiding, and evading the truth about its role in concealing the abuse that happened on its watch. Today's ruling punishes survivors already traumatized by the university's callous campaign of deception. The court's decision cannot, and must not, be the final word in the survivors' journey towards justice."

Judge Michael Watson wrote in [his ruling today](#) that, from 1979 to 2018, "many at Ohio State tasked with protecting and training students and young athletes instead turned a blind eye to Strauss's exploitation."

Despite repeated public pledges to redress the abuse experienced by all Strauss survivors, OSU refused to endorse pending legislation in the Ohio State legislature (SB 249) that would have eliminated the statute of limitations as an obstacle for Strauss survivors. While similar legislative efforts helped ensure justice for sexual abuse survivors at Michigan State University, OSU remained silent on the Ohio bill while issuing repeated press statements aimed at quelling public outrage over the university's inaction. In his dismissal ruling, Judge Watson pressed the Ohio legislature to act: "At all times since the filing of these cases, the Ohio legislature, has the power, but not the will, to change the statute of limitations." The legislature can provide a "path forward for Plaintiffs on their claim against Ohio State."

Instead, the university attempted to run out the clock on accountability through a now-uncovered series of actions aimed at hiding its own role in enabling Strauss while exposing students and others to decades of traumatic abuse. In 2019, a University-commissioned investigation by law firm Perkins Coie uncovered at least 177 abuse survivors and documented the repeated failure of Ohio State to take

investigate or address complaints about Dr. Strauss. A separate report commissioned by Ohio Gov. Mike DeWine revealed that Ohio State also failed to inform or protect students, even after a State Medical Board investigator told the University in 1996 “that Dr. Strauss ha[d] been performing inappropriate genital exams on male students for years”—and despite the University telling the Medical Board that it was working to identify other students abused by Dr. Strauss.

“Despite repeated public pledges to redress the abuse experienced by all Strauss survivors, OSU refused to endorse pending legislation in the Ohio State legislature (SB 249) that would have eliminated the statute of limitations as an obstacle for Strauss survivors”, the legal team continued. “While similar legislative efforts helped ensure justice for sexual abuse survivors at Michigan State University, OSU remained silent on the Ohio bill while issuing repeated press statements aimed at quelling public outrage over the university’s inaction.”

Until recent years, after OSU announced it would investigate allegations of Strauss’ abuse of student-athletes, most survivors had not even understood that Strauss had sexually abused them in the guise of medical examinations and treatment. As a result of the university’s concealment of Strauss’ abuse, none of the countless survivors understood the role OSU played in causing the abuse, making it impossible for them to understand they had grounds for seeking to hold the school legally accountable.

“In essence, the district court’s ruling tells universities that deception is an effective and acceptable tool for avoiding legal responsibility, regardless of the pain and trauma that a university’s concealment causes,” the legal team continued. “Meanwhile, OSU refuses to commit to changes that would help prevent such abuse from happening again. Instead, it has deployed non-disparagement agreements that silence survivors, coupled with settlements offering pennies on the dollar when compared to settlements offered by other institutions in comparable situations—all designed to protect its reputation while denying its role in destroying hundreds, if not thousands, of survivors’ lives.”

“It is clear,” they concluded, “that the only way OSU will enact any meaningful change is through pressing these lawsuits. The insistence on justice for all – and not just a semblance of justice for some – compels our clients to appeal today’s decision and continue their efforts to hold OSU accountable and make the university a safer, more welcoming institution for future generations.”

###