"This book is an important mirror to make us question how sports became more important to the world than the women who make life possible."

—BOMANI JONES, ESPN

UNSPORTSMANLIKE CONDUCT

COLLEGE FOOTBALL AND THE POLITICS OF RAPE

JESSICA LUTHER
“Highly relevant, hard-hitting, much-needed information that reveals the widespread existence of rape by sports players on college campuses.” —KIRKUS REVIEWS

“In painstaking and passionate detail, Jessica Luther challenges those of us who have become seduced by the emotion and ritual of sport to stop being willfully ignorant about the significant problem of sexual assault and sexual violence.” —JEMELE HILL, ESPN

“This book should be handed to every incoming freshman, and left on the seats of stadiums across the country. A must-read for athletes, coaches, administrators, journalists, and fans alike.” —KATIE NOLAN, FOX SPORTS’ GARBAGE TIME

FOOTBALL TEAMS CREATE PLAYBOOKS, in which they draw up the plays they will use on the field. Playbooks are how teams work and why they win. This book is about a different kind of playbook: the one coaches, teams, universities, police, communities, the media, and fans seem to follow whenever a college football player is accused of sexual assault. It’s a deep dive into how different institutions—the NCAA, athletic departments, universities, the media—run the same plays over and over again when these stories break. If everyone runs his play well, scrutiny dies down quickly, no institution ever has to change how it operates, and the evaporation of these cases into nothingness looks natural. In short, this playbook is why nothing ever changes.

UNSPORTSMANLIKE CONDUCT unpacks this societal playbook piece by piece, and not only advocates that we destroy the old plays, but also suggests we replace them with ones that will force us to finally do something about this issue.
I was born with garnet and gold blood. Both of my parents graduated from Florida State University (FSU). Growing up, I spent Saturday afternoons in the autumn watching FSU football, either sitting next to my dad in front of a TV or in the stands of Doak Campbell Stadium. When it came time for me to go to college, I only applied to one school. And during the four years I was at Florida State, I went to every home game, sweating in the blistering heat of an early-season eleven a.m. start or freezing cold during mid-November rivalry games against Florida.

I learned early on how to be a fan. There are rules and rituals the fans of a sports team follow and do, a kind of collective performance before and during games that show the love for our school and team. The playbook for fans consists of memorizing chants, wearing the right colors, painting our faces, and always singing along whenever you hear the school's fight song. The most important play, though, is the one where you give your team your love and devotion, and you trust in the players and coaches even when they play badly and even if you have to ignore what they do when they are off the field and out of uniform. This, the fan playbook prescribes, is what good fans do.

I used to be a really good FSU fan.
On January 4, 2000, in the middle of my sophomore year, I was sitting high in the stands of the Superdome in New Orleans, watching Chris Weinke and Peter Warrick lead FSU to a national championship (they defeated Michael Vick’s Virginia Tech Hokies 46–29). I stayed for the trophy presentation, crawling along the seats until I was positioned in front of the stage where Warrick accepted the Most Valuable Player award. I collected newspapers the next day that had headlines about our championship win, and when I got back to Florida, I painstakingly cut out pictures and articles, combined them with photographs I had taken, and made myself a scrapbook so I would always remember how great that experience was. I’m sure somewhere in my attic is a T-shirt from that year with the words Wire-to-Wire on it (FSU was the only team to start the year No. 1 and keep the ranking all the way through).

I remember, before and during the championship game, justifying to myself and any Virginia Tech fan who would listen that Warrick deserved to be on the field despite having been arrested late in September 1999 for grand theft. In collusion with a store clerk at a Tallahassee Dillard’s, he and FSU wide receiver Laveranues Coles stole hundreds of dollars’ worth of merchandise. After they both pleaded down to misdemeanor petty theft, Coles was kicked off the team (he was already on probation for an earlier incident). Warrick, easily the most famous person on the team, an integral part of the offense, and without a prior record, was only suspended two games. I had no problem with any of this, mainly because I paid almost no attention to it. I kept my eyes on the prize of a football championship and my trust in FSU’s coach, Bobby Bowden. But I was also 100 percent sure it was fair that Warrick was playing.

Over the past decade or so, I’ve suffered through the years of mediocre FSU football, always believing my team could do it, then watching sadly as they collapsed once again. Don’t bring up the name Chris Rix around me. I am still sad over the way Xavier Lee’s potential never matched up with his play. And I remember the name Drew Weatherford because I am apparently a masochist who likes to continually cause myself pain by reliving the later 2000s.

But then the 2013 season happened. FSU once again had a defense. And an O-line. And, most famously, we had Jameis Winston at quarterback.

Winston was the No. 1 quarterback recruit in 2012. He redshirted during the 2012–13 season and came out of the gates blazing in 2013. In the sixth week of the season, No. 5 FSU marched into No. 3 Clemson’s stadium and put up more points than any other opponent ever had in Death Valley. Winston had 444 passing yards, three touchdowns, and a lot of serious Heisman chatter.

He was a damn good football player. And I was still a damn good fan, telling anyone who would listen about my team’s brand-new quarterback who was going to take us places.

Then, suddenly, my fandom crashed headlong into my work, which often interrogates the intersection of sport and interpersonal violence. Only a few days apart in November 2013, the Tampa Bay Times and TMZ both made public-records requests to the Tallahassee police department (TPD). It turns out that what they were looking for would usher in one of the highest-profile college football sexual assault cases in years: a female student had reported to the TPD in December 2012 that Jameis Winston had raped her.

My fan playbook failed me. I wanted so desperately to have some way to make sense of the team I loved being piloted by a potentially violent player, one apparently shielded from consequence by his team, the university—my university—and
the local police. I needed a new playbook. So, I decided to write one.

II.
This is not a book about Jameis Winston. This is not even a book about football players. This is a book about the intersection of college football and sexual assault, and the people and systems that ignore, minimize, and even perpetuate this violence; the Winston case just happens to be a thorough and high-profile example of what that intersection looks like. And it happens to involve the school and team I’ve loved my whole life.

In the late summer and early fall of 2013, I was watching two college football sexual assault cases play out, one at Navy and another Vanderbilt. Four Vanderbilt football players had been arrested and charged that August with raping a fellow student. As that was playing out in Nashville, there was a trial up the road in Annapolis of three Navy football players who had been charged with abusive sexual conduct or aggravated sexual assault. The majority of media interested in the cases were local newspapers and TV stations, while national sports media were more focused on whether a famous college quarterback, Johnny Manziel, had gotten paid for his signature and if he would get punished for it. (That story died quickly and he never was censured.)

Then, in mid-September, I began working on a piece for the Atlantic about college football recruiting practices and how they used women. In that piece I argued that treating women like prizes creates an atmosphere wherein women’s consent takes a backseat to what football players feel they are owed. I brought up the Navy and Vanderbilt cases, and mentioned a couple of other ones I had found.

I became interested in trying to understand both the reasons these cases did not make the news and also if they were part of larger historical patterns. I started to find mentions of, links to, and footnotes about previous football players accused, and some found guilty, of rape, dating back to the 1970s. To keep track of it all, I started a list online of every allegation or case I found, a list which continues to grow to this day. To keep tabs on it all, I created Google alerts relating to sports and interpersonal violence, including “football rape.” And I have been keeping tabs ever since.

III.
Football teams create playbooks, in which they draw up the plays they will use on the field. A page in the book looks like the measured lines on a green football field, offensive and defensive players sketched onto it using symbols like circles and triangles or Xs and Os. The movement of the players, the routes they are to run on the field, are represented by lines tipped with arrows pointing the direction they should move if everything in the play goes as planned. Coaches and players memorize these playbooks. Each individual play is given a name, the intricate detailed performance boiled down to a word or phrase. The plays can be communicated in a matter of seconds from coach to player, sideline to field, quarterback to the offensive line, on and on. It is the complicated made simple. If all goes well, the large amount of work that goes into a single play suddenly looks like a natural flow of bodies moving in unison that result in the movement of the ball down the field or the successful stop of the other team’s offense, a seemingly obvious outcome despite it all happening in an unscripted and chaotic setting where so many things could have taken place instead.

Playbooks are why teams work, how they move information quickly, and how they become successful on the field.
This book is about a different kind of playbook—the one coaches, teams, universities, police, communities, the media, and fans seem to follow whenever a college football player is accused, charged, and/or convicted of sexual assault. When these cases break, it often feels like everyone involved is following the same script, making the choices that mirror other cases, doing the exact thing we’ve come to expect based on whatever has transpired before. It is as if our society has its own collective Xs, Os, and lines tipped with arrows drawn on pages we all have access to, read through, and have memorized. The plays are popular narratives we all know about athletes or women who report sexual violence against them, and they are the familiar responses of the people in charge, the seemingly natural patterns and progressions that these cases take. Everyone plays their part, they run their routes, and the nuance and detail of complicated cases is suddenly flattened in a way that makes how we react to it all seem normal or natural; each case is so easily boiled down in a society that often minimizes the complicated reality of sexual violence.

This book unpacks the societal playbook piece by piece, drawing attention to each X and O, and explores the possibility of destroying the old plays and replacing them with ones that will force us to finally do something about this issue.

IV.
There are plenty of reasons we often talk about sexual assault when it involves a sports star: players are high profile, and because of the money invested in them or their teams, people can feel a certain ownership over them; players are held in high esteem by fans or hated by fans of rival teams, and so their off-the-field behavior is either a shock or evidence of what we already knew; players in legal trouble are often not able to play, so that could have an effect on the team; many athletes are African American, especially in football, and because of the racism that exists independently and around the world of sports, the US media as well as the legal system often focus on crime when the perpetrators are black. At the collegiate level, there is a personal investment in the fandom from people who attended that school, who pour money into the institution, and who might see the players on their team representing the university and so also themselves in some part.

On top of all of this, football is the most popular sport in the US. It makes a lot of money for a lot of people. College football is now second to the NFL in overall sports revenues. Universities are often financially invested in major sports, so officials—and highly paid coaches, making literally a hundred times what they earned forty years ago—have some motivation to absolve players and move on as if nothing happened. The issue is so deeply rooted that Senator Claire McCaskill’s report on sexual assaults on college campuses, released in July 2014, found that “approximately 20 percent of the nation’s largest public institutions and 15 percent of the largest private institutions allow their athletic departments to oversee cases involving student athletes.”

This is not completely surprising. The power of football can stretch all the way into the courtroom too. In 2004, six Brigham Young football players (former and current) were charged in connection to the rape of a seventeen-year-old girl. Two went to trial and one of the other players testified against them, saying on the stand, “We knew we had done something that was wrong. We took advantage of a girl that we shouldn’t have.” After the jury acquitted the players, the prosecutor says, one of the jury members told her the players had suffered enough because “they lost their scholarships” and “they were kicked off the team.”
V.

All of this together is paradoxical: there are cultural power structures that surround football players and protect them from having to answer for the violence they commit; but the very importance of the sport and our fascination with it means that we pay more attention to these power structures than the ones that operate in everyday cases where the perpetrator is not a public figure. In untangling how players are protected and why, we can use this microcosm to see larger societal forces at play that protect all kinds of people, guilty or innocent, who are accused of sexual or interpersonal violence.

The problem of sexual violence is a cultural one, not limited to any single group. In 2011, the Centers for Disease Control and Prevention determined that “an estimated 19.3 percent of women and 1.7 percent of men [in the United States] have been raped during their lifetimes,” with “an estimated 43.9 percent of women and 23.4 percent of men [who said they] experienced other forms of sexual violence during their lifetimes.” According to the Rape, Abuse & Incest National Network (often referred to as RAINN), 17.6 percent of all women will be raped or victims of attempted rape in their lifetime. Almost the exact same percentage, 17.7 percent, is true for all white women, while black women have a slightly higher chance at 18.8 percent while only making up 13.2 percent of the population, and Native American women are staggeringly high at 34.1 percent despite being only 1.2 percent of the population. In December 2014, Callie Marie Rennison, a criminology professor at the University of Colorado at Denver, published a piece in the New York Times where she wrote that she and her colleague, Lynn A. Addington at American University, “found that the estimated rate of sexual assault and rape of female college students, ages eighteen to twenty-four, was 6.1 per 1,000 students. This is nothing to be proud of, but it is significantly lower than the rate experienced by women that age who don’t attend college—8 per 1,000.”7 In short, economically disadvantaged women, who are “in the lowest income bracket, with annual household incomes of less than $7,500, are sexually victimized at 3.7 times the rate of women with household incomes of $35,000 to $49,999, and at about six times the rate of women in the highest income bracket (households earning $75,000 or more annually).” On top of this, economics break along racial lines. According to a report by the Pew Research Center in December 2014, published at the same time as Rennison’s piece, “The wealth of white households was thirteen times the median wealth of black households in 2013, compared with eight times the wealth in 2010” and “the wealth of white households is now more than ten times the wealth of Hispanic households, compared with nine times the wealth in 2010.”8 All of this, taken together, suggests that the people most likely to be victims of sexual assault in the US are economically disadvantaged women of color.

And yet, we are currently having a cultural moment regarding college campus sexual assault. In a country of roughly 319 million people, about 6.5 percent (twenty-one million) attend college, according to the National Center for Education Statistics.9 And that 6.5 percent is made of a particular slice of the population. As Rebecca Klein wrote in the Huffington Post in October 2014, “Students who went to low-minority, higher-income suburban schools were the most likely to have enrolled in college. Among higher-income schools, those with high populations of minority students posted lower college enrollment rates than low-minority schools.”10 This is interesting when you consider the statistics above about victims of sexual
assault. Certainly our focus on college sexual assault stems in part from our cultural tendency to pay far more attention to the experiences of white, middle/upper-class Americans. We have idealized dreams about what college is supposed to represent in the lives of young adults, a time of exploration, surrounded by peers and learning, all in preparation for going out into the world and becoming somebody. There is no space in these wishful aspirations for the realities of sexual violence that we find everywhere else. Another aspect of the focus on college sexual assault is that tackling it seems doable; after all, we are only talking about a small percentage of the population in a confined space.

All of this combined is why we have seen an ever-increasing series of laws over the last few decades that are supposed to help mitigate, even eradicate sexual violence in this one particular part of our culture. Under Title IX (the federal statute best known for requiring gender parity in sports), which became law in 1972, a university receiving federal assistance must ensure that every person who attends the school has equal access to educational opportunities. A campus with known sexual predators within the student body is an obstacle to that access; universities that do not adequately protect students from sexual assault or ignore reported assaults are, therefore, in danger of losing federal funding. It’s worth noting that as of early 2016, no university has ever lost federal funding for Title IX violations.

The most difficult aspect of Title IX has always been enforcement. Since the crime of sexual assault is rarely reported, how do we measure if universities are doing enough? Victims of sexual assault are often afraid or ashamed to report the attack, or they fear they’ll be blamed for the circumstances of the assault. When they do speak up, they are often not believed. As one consequence, only a fraction of rapists land behind bars.

Nevertheless, the 1990 Clery Act (a.k.a. the Crime Awareness and Campus Security Act) created standardized reporting requirements, necessitating colleges to be more transparent about crimes taking place on their campuses; the law has been amended and broadened several times.

The latest amendment, enacted in 2013, is called the Campus Sexual Violence Elimination Act, or Campus SaVE Act. In order to comply with Title IX, the Clery Act, and SaVE, universities must perform a list of actions that include collecting data on interpersonal violence, providing victims with information about their right to report, conducting prompt and fair investigations of reported assaults, and educating students on such subjects as how to intervene as bystanders and how to reduce their risk of being assaulted.

President Obama’s administration, led principally by Vice President Joe Biden, has worked on the issue from multiple angles, including convening the White House Task Force to Protect Students From Sexual Assault; creating the site NotAlone.gov that provides “information for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses and in our schools”; and starting “It’s On Us,” a media campaign featuring high-profile actors and athletes who ask people to take a pledge “to recognize that nonconsensual sex is sexual assault, to identify situations in which sexual assault may occur, to intervene in situations where consent has not or cannot be given, and to create an environment in which sexual assault is unacceptable and survivors are supported.”

There are also new activist groups who are simultaneously drawing attention to this issue. Know Your IX (referencing Title IX) is “a national survivor-run, student-driven campaign to end campus sexual violence” that educates students on their
rights under the law. End Rape on Campus (EROC) “pro-
vides free direct assistance to survivors of all genders who seek
to file federal Office for Civil Rights (Title IX, Title II) and/
or Clery complaints in order to hold colleges and universities
accountable for their handling of sexual violence, and provides
mentorship in campus organizing, survivor support, and policy
reform.” EROC was heavily featured in the 2015 documentary
The Hunting Ground for helping dozens of people across the
country file Title IX complaints with the Office of Civil Rights.
Their efforts, along with Know Your IX and other groups like
Students Active for Ending Rape (SAFER) and SurvJustice,
have resulted in more than 180 colleges to date being investigat-
ged for not doing their jobs to protect every student’s right to
access education, a civil right in the United States.

The combined popularity of the sport of football, the on-
going national discussion around college sexual assault, and the
timing of not only the Jameis Winston case but several other
high-profile cases make this the opportune moment to be dis-
cussing the intersection of college football and sexual violence.

VI.
Throughout this book, I will be using a few different terms
that need to be defined before moving on.

“Sexual assault” and “sexual violence” are very broad
terms. The Chicago Taskforce on Violence Against Girls &
Young Women’s “Reporting on Rape and Sexual Violence” me-
dia toolkit says, “‘Sexual activity,’ ‘sexual assault,’ and ‘molest’
are vague terms that tell us nothing about the actual crime, mak-
ing it impossible for the public to understand what happened,
or to know how to feel about the harm done and whether the
reactions of responsible adults, law enforcement officials, etc.,
have been appropriate.”11 Because of this vagueness, I will only
use these terms when I am speaking very generally about these
crimes, often collectively or as a cultural phenomenon. Other-
wise, I will use the most specific language I can to describe the
actual violence so there is no confusion about the events I’m
discussing.

“Rape” is a much more specific term that refers to someone
penetrating another person’s body without their consent. The
FBI describes it this way: “Penetration, no matter how slight, of
the vagina or anus with any body part or object, or oral pen-
etration by a sex organ of another person, without the consent of
the victim.”12 While this seems like a settled idea, the FBI only
recently updated this definition in January 2012 (becoming
effective a year later), after it was determined that the eighty-
year-old definition (“The carnal knowledge of a female forcibly
and against her will”) was too vague. I will use “rape” when
talking about cases where one person rapes another person and,
if possible and trying not to be gratuitous or sensational, will be
specific about how the person raped the other.

“Rape culture” is all around us all the time. It is a culture
where people, mainly women, come to expect a form of sex-
ual harassment, assault, or rape at some point, perhaps daily,
because we minimize, ignore, or make excuses for the reality
of sexual violence in many people’s lives. It blames the victim
when violence does happen and it rarely punishes the perpe-
trator for inflicting it. It is a culture where, no matter what the
statistics tell us about the rarity of people lying about being
sexually assaulted but also the prevalence of sexual violence, it is
nonetheless easy to believe the victim is lying.

“Consent” is someone granting someone else the right to
touch, hug, caress, kiss, or have sex with them. It can be com-
communicated in a number of ways but it must be communicated
in some way. If anyone is not 100 percent sure they have some-
one's consent, then they don't have it, and should communicate with that person to gain consent before proceeding. It is also the legal concept at the center of sexual assault cases. Minors cannot legally consent to sexual acts, nor can people who are incapacitated (including if someone has had a lot of alcohol to drink, taken drugs, etc.).

VII.
There is much to say about college football and sexual violence, about how it is and how it could be. And so this book is divided into two sections.

First, I sketch out the playbook everyone has been following for decades when someone reports that a college football player has sexually assaulted them. I look at the patterns across the cases I've uncovered and establish the field of play on which this playbook is enacted. After tackling the complicated ways that race, gender, and money affect how we view these cases and the players involved in them, each chapter examines the kinds of plays different groups opt to run in response to reports of sexual violence: universities and their athletic departments ignore them, the National Collegiate Athletic Association (NCAA) keeps its head in the sand, the media try to move on quickly, and fans get mad.

By shining a light directly on this playbook, this book attempts to start multiple conversations around a topic that shows no signs of going away anytime soon.

Second, I draft a new playbook, one full of possibilities for mitigating these problems. It is a desperate list of alternative plays that will be more difficult to implement than what we are used to. But they will push on our established ideas about how the game is played and, in turn, offer the possibility of a better, safer, more fair game in the future.

There is an idea that sports teach kids discipline, rule-following, and sportsmanship. The last is a loosely defined concept that encompasses such things as respect for the opposing team, graciousness in defeat, and humility in victory. True sportsmen are never mean in their interactions with the other team, they are not flagrant in their fouls, and they do not bring violence into the game that goes above and beyond what is written into the games' rule book. In college football, un-sportsmanlike conduct can get you thrown off the field. Racial slurs and swinging punches can get you ejected. Because to be unsportsmanlike in your conduct is to destroy the very heart of sport, to make a space governed by rules suddenly dangerously unpredictable and even violent.

In the playbook as it stands now, sexual assault is not an immediate ejection from the game, sometimes not even a foul. It is easy to say that you do not condone this kind of violence; it is infinitely harder to take a hard look at how the very sport you love contributes to a culture that ignores, minimizes, and sometimes perpetuates it. It can feel that to change it is impossible. Let's do that hard look and then let's draw up a new playbook that says sexual assault is, in fact, unsportsmanlike conduct.

To do any of this without first addressing the idea that these cases are isolated events, not part of a larger pattern, would be irresponsible, because there is a pattern if you are willing to see it.