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Rights for Ohio State Victims
HB249 Proponent Testimony
Ohio House Civil Justice Committee
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Chairman Hambley, Vice Chairman Patton, Ranking Member Brown, and members of the House Civil Justice Committee thank you for the opportunity to provide proponent testimony on HB 249. My name is Lauren Huddleston and I have worked as an advocate for many of the victims of Dr. Strauss in their pursuit of justice since the summer of 2018. House Bill 249 is the culmination of this effort.

The bill before you is modeled after legislation passed by the state of Michigan in the wake of the Larry Nasser scandal at Michigan State. The Michigan legislature narrowly tailored provisions of Senate Bills 871 and 872 to retroactively allow sexual assault victims abused by Dr. Nasser under the guise of medical treatment to bring forward their criminal and civil claims. Specifically, Michigan code references the timeframe during which the abuse must have occurred and the role of the abuser as the physician of the alleged victim.

In Michigan, the threat of this legislation contributed to a prompt mediation and resulting settlement for the victims. The terms of the settlement restricted claimants from efforts to further lobby for the passage of either bill. Nonetheless the Michigan legislature passed this bipartisan legislation after the Michigan State settlement, with the Republican bill sponsor stating that the significance was “saying we’re not home to pedophiles and predators”.

Just last fall, California passed AB 1510 to allow victims of abuse by the USC gynecologist to bring civil claims in spite of a lapsed statute of limitations through a similarly specific law outlining the dates during which the abuse must have occurred and the doctor-patient relationship of the abuser and victim.

Here in Ohio, the victims of Richard Strauss are currently barred by Ohio’s statute of limitations from bringing civil suits. By OSU’s own admission, this includes at least 1,430 instances of fondling and 47 instances of rape.

House Bill 249 is necessary to provide these sexual abuse survivors their day in court. Similar to the two state laws outlined above, HB 249 requires that the alleged abuse occurred between 1978 and 2000, that the alleged abuse was perpetrated by a physician employed by a land grant university and within the scope of that employment, while adding the additional requirement that at least 25 victims bring the action forward.

A revival statute to provide victims of sexual assault their day in court would pass constitutional muster based on standards established by the Ohio Supreme Court with respect to Article II Section 28 of the Ohio Constitution. Retroactivity is not strictly prohibited and the Court has ruled that as a public university, OSU is considered an arm

of the state and not entitled to this constitutional protection. Even if OSU was deemed to be entitled to protection from retroactive laws under the Ohio constitution, the Supreme Court has held that retroactive laws are constitutional if they are remedial in nature as opposed to substantive. In the common law tradition and in Ohio jurisprudence, statutes of limitations have been found to fall within the realm of procedural law relating to remedies. It follows that a retroactively applied statute relating to the tolling of the statute of limitations would be constitutional.

Statutes of limitations should function to encourage victims to bring their allegations forward in a timely manner. According to the Perkins Coie report commissioned by OSU, beginning 1979, Strauss' first year at the University, and consistently throughout the next two decades, both students and staff reported and referred complaints about him to various University officials. Despite the volume and persistence of these issues, complaints and reports were not elevated beyond Athletics or Student Health for nearly 20 years. Athletes were forced to submit to Strauss for physicals in order to participate in their sport. Twenty-two coaches, 4 team trainers, 5 team physicians, and 18 student trainers confirmed to the Investigative Team that they were aware of complaints about Strauss dating from the 1970s to 1990s. The fencing coach aggressively pursued complaints about Strauss starting in 1994 and leading to his stepping down as the team physician. The year following, the University endeavored to engage in complaint resolution that included making a victim meet with and get yelled at by Dr. Strauss immediately after filing his complaint. One victim said he would drop his complaint if University officials assured him no complaints had ever been made about Strauss in the past. The University assured the student that Student Health had never received a complaint about Strauss prior to his own complaint and stated that Strauss had received several positive comments from patients. In fact, the same university department had received another official complaint just a few weeks prior. These are just a few of horrifying occurrences of student complaints directly to the University. Stigma, humiliation, and shame are often cited as factors that contribute to victims failing to report sexual abuse. Many of Strauss's victims came forward and reported immediately. Unfortunately, the institution in which they placed their trust failed them.

As outlined above, other states have shown there is a valid precedent and national movement to allow victims of massive sexual abuse scandals a reprieve from an arbitrary statute of limitations and an opportunity to bring forth their civil claims. Yet in spite of the shameful abuse that has occurred right here at The Ohio State University, our state remains silent.

I ask the members of the Ohio General Assembly send the message that there must be accountability for failure to protect young students from a vile predator who used a state institution as a playground for his depravity.

Thank you for your time and I will try my best to answer any questions.