

Such a magnificent gesture comes but once

By Marty Trillhaase, Lewiston Tribune

Gary and Janet Benoit accomplished something truly remarkable last week, both on behalf of their slain daughter, Katy, and young women who follow her at the University of Idaho.

The Benois closed the books on their \$3 million tort claim against the UI. And unlike so many high-profile lawsuits, this one did not contain a nondisclosure clause.

You know how much the Benois are accepting - \$375,000.

You know the source - \$25,000 from the university and \$350,000 from the state Office of Risk Management. And you know how it's being allocated - a memorial fund in Katy Benoit's name to benefit several charities. None of it is going to the plaintiffs.

Even the most jaded observer of the legal system can't avoid being impressed. It's common to hear plaintiffs talk about taking a big institution to task on a matter of principle, but all too rare to see someone actually follow through.

Katy Benoit was gunned down last August, the victim of a mentally ill psychology professor, Ernesto Bustamante, with whom she'd been involved sexually. After Benoit brought a sexual harassment charge against him, Bustamante resigned his post. Hours after the shooting, Bustamante took his own life.

There's no surer way to grab a big institution's attention than to threaten it with a huge legal bill. The Benois had plenty of grievances. Bustamante had a history of bizarre behavior. He may have been involved in potentially abusive relationships with other students. One class evaluation told of him discussing the killing of other pupils. And despite a record that included Bustamante threatening Benoit on three occasions with a handgun, until the shooting took place law enforcement knew virtually nothing.

Here again, the Benois chose a different path. Rather than punish the UI, they sought an antidote to the violence that struck down their daughter.

A few provisions within their settlement are vague. Others read like the product of a lawyers' committee. But some hold promise. Among them are:

- A campus memorial for Katy Benoit.
- Launching each academic year with a forum - named after Benoit - in which students, faculty and staff will outline its commitment to safety, its policy

discouraging faculty-student relationships and the training of faculty, staff and students about the UI's sexual harassment policy.

- The university's pledge to pursue sexual misconduct investigations "whether the allegations are made formally in writing, informally or anonymously."
- An indication that the UI will tighten up its communication channels with police, including "immediate and full notification to law enforcement of all situations involving threats of violence or threats of harm involving firearms."

Does it go far enough? No. Nowhere does it say the UI will allocate more resources to domestic violence programs on campus or off. There is no firm, unambiguous statement that the UI will refer all domestic violence reports to Moscow Police, whether the alleged victim agrees or not. Still unexplained is why the UI did not activate its campus alert system after Benoit was killed when a heavily armed Bustamante was at large or after someone fired a gun at a UI dormitory earlier this year.

For the Benois, last week's settlement was a way to transform the most dreadful chapter in their lives into a hope of progress. It's a magnificent gesture. Whether it becomes something more, however, is beyond the reach of this family.

Only the people running the UI can act on these initiatives. But they may never get such generous terms again. - M.T.