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November 14, 2013

TO: Lauren Carella
Interim Title IX Coordinator
Occidental College

From: Cathleen Watkins
Keith Rohman
Public Interest Investigations, Inc.

Re: Sexual Misconduct Policy Complaint
Report of Investigation
PII Case Number: 13-4175

I. Introduction

On or about October 1, 2013, Public Interest Investigations, Inc., (PII) was retained by Occidental College ("the College") to investigate a complaint filed under its Sexual Misconduct Policy. The complaint was filed on or about September 15, 2013, by *Jane Doe* a freshman at the College. She identified *John Doe*, also a freshman at Occidental, as the Respondent.

Cathleen Watkins and Keith Rohman, both of PII, conducted the investigation. Watkins is a senior investigator, and Rohman is PII's president. Both have specific training and experience investigating allegations of sexual harassment and sexual misconduct, including sexual assault.

Jane Doe alleged that *John* sexually assaulted her when he had sexual intercourse with her in his room in Braun Hall sometime after midnight on September 8, 2013. *Jane Doe* stated that she was intoxicated during the intercourse due to alcohol consumption. *Jane Doe* stated that her level of intoxication was such that it caused her to be incapacitated.

The College's Sexual Misconduct Policy prohibits such conduct. It defines sexual assault as "Having or attempting to have sexual intercourse with another individual: . . . [w]here that individual is incapacitated." The policy addresses consent and incapacitation, specifically related to use of alcohol.

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The policy states, "Consumption of alcohol . . . alone is insufficient to establish incapacitation. The impact of alcohol . . . varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol . . . impact[s] an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments, or
- Capacity to appreciate the nature and quality of the act.

According to the College's policy, "Evaluating incapacitation also requires an assessment of whether a Respondent knew, or should have known, that the Complainant was incapacitated."

PII's investigation focused on the facts surrounding *Jane Doe's* complaint as they related to the relevant sections of the College's Sexual Misconduct Policy, as stated above. The report specifically addresses the timeframe of the night of September 7, 2013, leading into the early morning hours of September 8, 2013, and is a synthesis of the information PII collected. We have also attached the summaries of interviews with *Jane Doe* and other witnesses, which provide some additional information on this time period and also refer to events that took place afterwards.

This report does not include the investigators' analyses of, or conclusions regarding, the facts brought forth during investigation. The College's policy states, "The investigator(s) are not charged with reaching a determination as to responsibility, which is a function reserved for the Conduct Conference or Hearing Panel."

II. Investigative Procedures

A. Timeline of Investigation

PII attempted to contact *Jane Doe* on October 3rd, but she was off campus and out of state. PII's investigation began on October 9th, when *Jane Doe* was interviewed by PII on campus. Between October 9th and October 28th, PII conducted fact-finding on campus, interviewing a number of witnesses. Beginning on October 22nd, PII attempted to set up an interview with the Respondent, *John Doe*. *John's* attorney initially informed PII that he would not make *John* available for an interview while there was a pending criminal investigation.

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On October 31, 2013, [REDACTED]

[REDACTED] *John* had agreed to be interviewed once he obtained an Advisor for the Occidental process. Over the ensuing two weeks, we had repeated contacts with *John*'s attorney. We were told by *John*'s attorney that *John* was having difficulty finding an Advisor.

[REDACTED]
[REDACTED] On November 14th, Hathaway contacted Cathleen Watkins and stated that *John* had succeeded in obtaining an Advisor, but Hathaway was still considering whether to permit *John* to be interviewed. Watkins informed Hathaway that PII's investigation was otherwise completed, and if *John* were going to make himself available, he should contact PII by 2 p.m. on November 14th. Neither *John* nor Hathaway contacted PII prior to this report being finalized.

B. Witness Interviews

PII used a team of two investigators for each interview. All interviews were conducted in-person, and Watkins was present for all witness interviews. PII did not record any interviews for this investigation. Witnesses were informed of this at the outset, and all witnesses were asked not to make their own recording.

Jane Doe was accompanied by her advisor, Professor Movindri Reddy, when she met with PII's team. In addition to *Jane Doe*, PII interviewed nine witnesses. This group included eight freshmen and one professor, all of whom are part of the Occidental community. The witnesses were:

- Genevieve Babcock
- Maddie DiMarco
- Professor Danielle Dirks
- Aidan Dougherty
- Liam Driscoll
- Jamison Hayward
- Angela Peckham
- Gavin Rose
- Chloe Welmond

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C. Documents

PII collected and reviewed documents provided by the Complainant and the Respondent. These included screen shots of text messages and hand-written notes memorialized by Professor Dirks when she was talking with *Jane Doe* in the days following the incident. PII's team also reviewed floor plans for Braun Hall and the Campus Safety report for Saturday, September 7, 2013.

D. Other Investigative Procedures

Watkins and Rohman toured the grounds of the campus, including Braun Hall and Stewart-Cleland Hall, to have a visual framework for the events under investigation. In addition, Watkins reviewed the orientation materials distributed to freshmen related to the Sexual Misconduct Policy.

III. Results of Investigation

A. Background

Jane Doe said that she is assigned to Braun 320, and her roommate is Genevieve Babcock. *Jane Doe* is in the Cultural Studies Program. She said that she marked her 18th birthday on [REDACTED], and that she was 17 years old at the time of the incident.

Jane Doe said that she met *John Doe* on September 2, 2013. *Jane Doe* and *John* were both in the African Revolutions class taught by Professor Movindri Reddy, and both attended a class outing to an African market that day. *Jane Doe* said that she and *John* spoke to one another while at the market.

Jane Doe said that the following Friday, September 6th, she attended a dance party in *John*'s room, Braun 207. She recalled that *John* was "really happy" to see her at the dance party and she thought to herself, "That's weird since *John* did not even know me." On September 6th, the College held its Septemberween celebration, and *Jane Doe* also went to that dance. *Jane Doe* said she saw *John* at Septemberween, but she did not talk with him there.

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B. The Night of September 7, 2013, Leading into September 8, 2013

1. Before and During the Soccer Match

Jane Doe recalled that on September 6th, she drank alcohol, slept until about noon on September 7th, and woke up with a hangover. She said she spent the afternoon studying, working out at the gym, and taking a nap. She recalled having dinner with another student, Harrison Rosenthal, around 7 p.m., and said she ate a turkey burger and fries. After eating, *Jane Doe* said that she went to the men's soccer match on campus. The game began at 7 p.m., and she recalled arriving after half-time at approximately 8 p.m.

Jane Doe said that other students were "pre-gaming" before the soccer game, which meant they were consuming alcohol. *Jane Doe* said that she did not participate in any "pre-gaming" activities.

There was some disagreement in the witness accounts about whether or not *Jane Doe* participated in "pre-gaming." Liam Driscoll, a freshman who lives in Braun 214, recalled that *Jane Doe* was present in his room before the soccer match and was drinking a mixture of vodka and orange juice from a small orange juice bottle. He recalled that Angela Peckham and, possibly, Maddie DiMarco were also among the 10 students who were present in his room before the soccer game.

Angela Peckham's account differed from Driscoll's. Peckham said that she was not with *Jane Doe* or Driscoll before the soccer match. Maddie DiMarco was uncertain of her recollection and said she may have been in Driscoll's room with *Jane Doe* and Peckham on September 7th, but she was not sure of the time.

2. Immediately following the soccer match

Jane Doe recalled that around 9:15 or 9:30 p.m., she went to Liam Driscoll's room where she was with Peckham, DiMarco, Rosenthal, and other three other students. *Jane Doe* recalled that someone took lemon vodka from the freezer, and she drank a shot of the vodka from a shot glass. After this, *Jane Doe* said she went upstairs to her room by herself, and got a small bottle of orange juice which she took back to Driscoll's room.

She recalled mixing vodka into the orange juice bottle to create a mixture of about two-thirds juice to one-third vodka. In addition to drinking her juice mixture, *Jane Doe* stated that she also consumed either one or two more shots of vodka.

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She said that after being in Driscoll's room for a while, she, Peckham, and DiMarco went upstairs to their own rooms to change their outfits. After changing, she recalled returning to Driscoll's room and continuing to drink and play word games. She said, by this point, she had finished her orange juice mixture and was getting tipsy. However, she recalled she could still function well enough to "kick butt" at the games the students were playing. Before leaving Driscoll's room, she recalled holding a red, plastic cup with one to two inches of vodka in it. She said that she drank this in two to three swallows.

As stated above, the witnesses did not recall the events before, or after, the soccer match exactly as *Jane Doe* did. Driscoll stated that after the soccer match, he returned to his room briefly with a few friends, and neither Peckham, nor *Jane Doe*, were present.

Peckham recalled being with *Jane Doe* in a room on the second floor of Braun Hall after the soccer game, and observing *Jane Doe* drink alcohol, but she did not believe this was Driscoll's room.¹ Peckham estimated that ten people were present, and *Jane Doe* drank "more than anyone else." She said that vodka was "going around in straight shots," and she estimated that *Jane Doe* drank five shots. Peckham said, that she, herself, drank "maybe two shots." Peckham also remembered that *Jane Doe* was drinking from a small plastic bottle of orange juice mixed with vodka. Peckham estimated that the juice mixture was 75 percent juice and 25 percent vodka. Peckham's account aligned with *Jane Doe's* in they both said that after drinking in a dorm room on the second floor of Braun Hall, they went upstairs to their own rooms to change their clothes before going out.

DiMarco's recollection was uncertain, however, she recalled that *Jane Doe* and others were "taking shots" of vodka and estimated that *Jane Doe* had two shots. In DiMarco's view, *Jane Doe* was "a little bit drunk, but still in control of herself." DiMarco described *Jane Doe* as "buzzed." DiMarco said that she was in Driscoll's room for about 30 minutes before she left to join members of the women's swim team. DiMarco, who is a member of the swim team, recalled that the events in Driscoll's room occurred on the same night as the water polo team's initiation.

Genevieve Babcock, *Jane Doe's* roommate, was in their room when *Jane Doe* returned to change her clothes. Babcock recalled that the time was around 9:45 to 10:15 p.m., after the soccer game was over. According to Babcock, *Jane Doe* was drinking from a small bottle of orange juice that held 12 to 16 fluid ounces. Babcock said *Jane Doe* appeared "pretty lucid" at that point and was talking and walking

¹ Peckham was not sure whose room this was.

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normally. Babcock recalled Peckham entering their room, and *Jane Doe* and Peckham leaving together.

Neither *Jane Doe* nor any of the witnesses, stated that *John Doe* was with *Jane Doe* during the part of the evening between 7 p.m. and 11p.m. on September 7th.

3. In the Neighborhood

Around 10:15 or 10:30 p.m., *Jane Doe* said that she, Peckham and other students decided to go to a fraternity party in the residential neighborhood around the campus. She said that this was the same night that the College's sports teams were holding initiations and many of the parties were closed to non-team members. By this time, *Jane Doe* said she was "getting more and more drunk." She recalled not being able to walk straight and that she fell while walking down some stairs. According to *Jane Doe* her friends were commenting about how intoxicated she was, and about how she could not walk a straight line and she was "getting loud." She said that Peckham was with her. Others in the group included DiMarco, Rosenthal, James (LNU) and Riley (LNU).

Jane Doe said the group exited the campus on Bird Road and walked down Ridgeview Avenue. She stated that, while in the neighborhood, her group ran into another group of students. She said they were also stopped by campus security, who told them that their group was being too loud and neighbors were complaining.

A Campus Safety report for Saturday, September 7, 2013, included an entry at 10:46 p.m. for 2136 Ridgeview Avenue. The report stated, "Neighbor reports a group of Oxy students making loud noise in front of location. Subjects were gone upon Officer's arrival." Exhibit 2.

Jane Doe said that her roommate, Genevieve Babcock, later told her that she and *Jane Doe* passed each other in the neighborhood and said "hello." *Jane Doe* said she did not recall seeing Babcock at this point.

According to Babcock, she and *Jane Doe* were walking in separate groups looking for parties on the north side of campus on or near Ridgeview Avenue. Babcock recalled that *Jane Doe* was visibly more impaired than she had been in their dorm room earlier. She said *Jane Doe* stumbled as she walked.

Babcock said that *Jane Doe* broke away from her group when she saw Babcock, walked unsteadily towards her and said, "Hi," in a very high pitched voice. Babcock described *Jane Doe's* demeanor at that moment as "out of character,"

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something she attributed to *Jane Doe's* level of intoxication. Babcock estimated the time to be around 11:30 or 11:45 p.m. She said that Peckham was still with *Jane Doe*.

Peckham recalled that the group learned that the party they were looking for had been shut down. Peckham said that *Jane Doe* was "pretty tipsy" while walking in the neighborhood. She described *Jane Doe* as "silly, but [it] seemed like she had a pretty good handle on herself." Peckham said *Jane Doe* was "walking fine" and acted as if she knew where the group was headed and what they were doing.

4. Enroute to Mt. Fiji

Jane Doe said that, after the contact with campus security, the group returned to campus and decided to walk up to Mt. Fiji, which is situated above the soccer fields on the east side of campus. As *Jane Doe* approached the gated entrance to this area of campus, however, she recalled that she could not walk up the steep hill. Her friends encouraged her to keep going, but *Jane Doe* told them she could not.

At this point in the evening, *Jane Doe* recalled that she was with Peckham and Rosenthal. She said that Jamison Hayward had also joined their group.

According to Peckham, after walking the perimeter of campus, she and *Jane Doe* were with a group of about 20 students headed toward Braun Hall. Peckham identified Hayward and Rosenthal as being among this group. Peckham said that she believed Rosenthal was intending to go to Mt. Fiji, but Peckham, herself, was not headed there. When the group reached Braun Hall, Peckham stated that *Jane Doe* said that she could not walk anymore and was too drunk to go further.

Jamison Hayward stated that he joined the group of students that included *Jane Doe*, Peckham and Rosenthal at Gilman Fountain. He estimated that this was sometime before 11 p.m.

Hayward said, "We were all pretty drunk." He described *Jane Doe* as "not falling over drunk. She could still walk, but we were all saying how drunk we were." He said that he did not recall *Jane Doe* falling or tripping; he described her level of intoxication as "not out of the ordinary" with the intoxication of others in their group. As the group walked around campus on September 7th, Hayward said that *Jane Doe* was acting "flirtatious" and walked arm-in-arm with Rosenthal. Hayward did not recall if the group was drinking alcohol as they approached Braun Hall, but said, "We must have had alcohol with us."

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Hayward said that when the group was approximately 50 feet beyond Braun Hall, *Jane Doe* said, "I'm not going. I can't do it," meaning climb to Mt. Fiji. Hayward recalled that Peckham told him they needed "to take care of *Jane* ." When interviewed later, Hayward stated that, based on Peckham's concern, "maybe *Jane* was more drunk than I remember it."

5. *Jane Doe* Went to Her Room—First Time

Jane Doe explained that Peckham and Hayward were with her when she decided not to go to Mt. Fiji. However, she said that another friend, Chloe Welmond, walked her back to her room and put her into bed.

According to Peckham, after entering Braun Hall, *Jane Doe* told her and Hayward that she was going to her room to get something, so they waited for her in the Common Room. However, when *Jane Doe* did not return promptly, Peckham began calling *Jane Doe*'s cell phone to find her.

In Hayward's recollection, *Jane Doe* ran ahead of him and Peckham shortly after entering Braun Hall, and they lost track of her. He said that Peckham was "a little worried" about *Jane Doe* because she was so intoxicated.

Chloe Welmond said that she did not put *Jane Doe* into bed, as *Jane Doe* recalled. Welmond stated that she saw *Jane Doe* briefly on the night of September 7th a few hours after the soccer match was over. She said that *Jane Doe* was near Braun Hall enroute to Mt. Fiji with a group of students that included Peckham and Hayward. Welmond observed that *Jane Doe* was not able to walk very well. "It was obvious she had been drinking," Welmond said.

Welmond said that Peckham and Hayward "were conscious and aware" of what was happening with *Jane Doe* and how intoxicated she was. She stated that Peckham and Hayward were less intoxicated than *Jane Doe* was. Welmond said that, upon seeing each other, Welmond and *Jane Doe* separated from their groups and approached each other. Welmond said that she walked *Jane Doe* to the main entrance of Braun Hall, where an R.A. opened the door. Welmond remembered that, upon seeing the R.A., *Jane Doe* said, "I have to act normal."

Welmond recalled asking *Jane Doe*, "Do you want me to walk you to your room?" but *Jane Doe* declined. She said they separated at the entrance to Braun Hall, and *Jane Doe* said, "Thank you." Welmond described herself as sober. She said her interaction with *Jane Doe* lasted less than 10 minutes.

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6. John 's Sobriety Around 11 p.m.

On September 7, 2013, Aidan Dougherty, a freshman who lives on the second floor of Braun Hall, recalled being in a friend's room in Braun, playing videogames. At around 11:00 p.m., he said he walked past the room shared by *John Doe* and Gavin Rose. According to Dougherty, *John* and Rose were with two other students, Marin and Riahannon. Dougherty said that he stopped in the doorway to chat, and saw that *John* appeared to be intoxicated.

According to Dougherty, *John* was slurring his words, stumbling over the others when he got up, dancing around and generally moving in a way that indicated that he was inebriated. Dougherty estimated that on a 0-to-10 scale, with 10 being inebriated to the point of not being able to function, *John* was "maybe a 7." The others present told Dougherty that *John* was drunk, although Dougherty did not notice any alcohol in the room and did not see *John* consume any alcohol.

Gavin Rose, *John*'s roommate, stated that around 11 p.m., *John* returned to their room and appeared to be intoxicated. Rose said he did not know exactly where *John* had been, but believed that he was at a party. Rose stated that *John* did not tell him what, or how much, he had drunk, or where he had been. According to Rose, *John* "acted like a drunk person" and stumbled around, slurred his words, and talked loudly.

Rose recalled staying with *John* for about an hour. Rose said he had plans to go out with friends, but he decided to cancel these plans and stay in his room, in order to "keep an eye on" *John*.

Maddie DiMarco also provided some information about *John*'s condition on September 7th. She said that she heard from "a lot of people" that *John* "was pretty far gone" that night after the water polo team's initiation, meaning that he was very intoxicated. Specifically, DiMarco said that Carolyn *John*, a member of the swim team, told her that *John Doe* was "pretty far gone."²

DiMarco said that she was with Carolyn at one point late on that Saturday night or early Sunday morning when Carolyn received a text from *John*. According to DiMarco, *John* sent a text saying that he had "never been this drunk before." DiMarco said that *John*'s text also said that he was not sure what was going on, or words to

² DiMarco did not think that *John Doe* and Carolyn were related. We have used first names for Carolyn and *John Doe* in this section of the report to avoid confusion.

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that effect. DiMarco estimated that Carolyn received this text message around 12 a.m. or 1 a.m.

In text messages provided by *John*'s attorney, *John* texted Gavin Rose in two separate entries dated at 8:37 p.m., "Bro I'm so drink," and "Drunks." *John* texted a woman named Maya at 9:14 p.m., "I'm so drunk. Jesus fucking Christ." He then texted her twice at 9:28 p.m., "I'm about to blak out," and "Black out."

7. *Jane Doe* Went to *John*'s Room – First Time

Jane Doe said that after being back in her room, she found herself "wired with energy." She said she went downstairs to the second floor, because there were usually people there. Once on the second floor, she heard music and saw Gavin Rose, who is in her African Revolutions class. *Jane Doe* recalled asking Rose about the music, and he told her his roommate, *John Doe*, was having a dance party. *Jane Doe* said that Rose let her into the room he shared with *John*, Braun 206.

According to Rose, around midnight, he left *John* in their dorm room and went upstairs to the third floor to tell his friends that he was not going to go out with them. When he went back downstairs, Rose recalled seeing *Jane Doe* in the hallway. He said she was leaning against the wall, and he asked her either how she was doing, or what she was doing.

Rose recalled that *Jane Doe* said she was going to her room. Rose said he observed that *Jane Doe*'s words were slurred, and he concluded that she was drunk, or had been drinking. Rose recalled that *Jane Doe* asked him if there was a "kickback" in his room, and she started walking with him down the hall. Rose stated that *Jane Doe* appeared to walk normally and he did not notice her staggering. Rose said he replied, "No. *John* is having a dance party by himself." According to Rose, *Jane Doe* responded, "Oh, *John*'s there?"

Rose said that *Jane Doe* was walking slightly in front of him, as they approached Braun 206. The door was ajar, and *Jane Doe* walked in just before Rose. Rose said that by the time he entered the room, *John* and *Jane Doe* were "in an embrace." He described *John* and *Jane Doe* as hugging and, possibly, kissing. Rose said that he then again changed his plans and decided that he would go out, and left immediately. Rose said he did not see anyone else in the room. Rose said he had not fully entered the dorm room.

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Rose said that during the time he was with *John*, before *Jane Doe* arrived, he did not see *John* consume any alcohol. Rose also noted that he (Rose) had not been drinking while still in Braun Hall on September 7th.

8. Inside *John*'s Room—First Time

a. *Jane Doe*'s account

Jane Doe said the lights were off in *John*'s room and three other women were present when she first entered *John*'s room. *Jane Doe* did not know the names of these women, but believed they were friends of Rose. Upon seeing her, *Jane Doe* recalled that *John* called out "*Jane!*" in an excited manner. A short time later, *Jane Doe* said the three women left the room.

Jane Doe said she and *John* began to dance. Around this time, *Jane Doe* said she received three calls in quick succession from Peckham. She said that she did not remember talking to Peckham on the phone, but learned later that Peckham and Hayward were trying to find her because they were concerned about how intoxicated she was. *Jane Doe* noted that there is a "big hole" in her memory of the evening, particularly during this period.

Jane Doe recalled that by the time Peckham and Hayward arrived in *John*'s room, she was dancing with *John*. She said that Hayward was drinking straight from a bottle of Smirnoff vodka and that she also drank straight from the bottle. She recalled that the alcohol did not burn her throat as it usually would, because she was already so intoxicated.

Jane Doe said she was hot and took off her shirt, thinking that she was wearing a bandeau. She did not have a bandeau on, however, and was wearing just her bra. *Jane Doe* said that she started dancing without her shirt, wearing only her bra on the upper half of her body. According to *Jane Doe* Peckham "flip[ped] out" and told her that she needed to put her shirt back on. As *Jane Doe* reached for it, however, she recalled that *John* grabbed the shirt. *Jane Doe* said that Peckham "got really mad" at *John*. *Jane Doe* recalled that *John* grabbed Peckham's wrist as Peckham tried to get *Jane Doe* to put her shirt back on. *Jane Doe* said she eventually put her shirt back on.

At another point, *Jane Doe* stated, *John* pushed her onto the bed, and they "ma[d]e out for a while." While on the bed with *John*, *Jane Doe* said *John* told her to "get rid" of Peckham and Hayward. According to *Jane Doe* *John* told her to let them

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take *Jane Doe* upstairs to her room and then she should return to his room alone. *John* told *Jane Doe* to give him her cell phone number, so he could text her about coming back to his room. *Jane Doe* said that *John* told her to come back down "so he can fuck me."

b. Peckham's account

Peckham said that she and Hayward were separated from *Jane Doe* for about five minutes before finding her in *John*'s room. Peckham described *John*'s room as dark with loud music playing. When Peckham came into the room, she observed that *Jane Doe* was acting "a lot sillier, a lot more crazy" than she (*Jane Doe*) was when they were walking around campus. Peckham noted that, while *Jane Doe* had seemed intoxicated earlier in the evening, she (*Jane Doe*) had still seemed able to understand what they were doing and what they were planning to do. In *John*'s room, *Jane Doe* could not walk well and did not seem to know where she was or what was going to happen next. She said *Jane Doe* was acting "goofy" and "very flirtatious" with *John*, and wanted to dance with him.

Peckham said, in *John*'s room, *Jane Doe* was drinking straight from a bottle of alcohol, but she did not recall what type of alcohol it was. Peckham recalled repeatedly trying to take the bottle away from *Jane Doe* and *Jane Doe* repeatedly saying she was fine and could drink more.

Peckham described *John* as also "pretty intoxicated." Peckham said that *John* and *Jane Doe* were dancing, kissing and "making out." She recalled this happened when they were both standing up, and lying down on *John*'s bed. According to Peckham, *Jane Doe* was grabbing *John* and trying to kiss him. Peckham said that *John* was "somewhat" responsive to *Jane Doe* but "also seemed pretty indifferent" to *Jane Doe*'s advances. Peckham said that *John* was "not at all going for her. . . not like he was grabbing her and pulling her onto the bed."

In Peckham's recollection, *John* would occasionally turn to her (Peckham) and Hayward and ask, "Why are you guys here? I don't even know you." Peckham said that *John* "would grab my wrists and try to pull me out of the room, [but was] never fully aggressive. I was never really afraid." Peckham said that she was not sure why *John* was trying to pull her out of his room. "I don't really understand it. It might have been because he didn't know us [her and Hayward] at all, which he didn't," said Peckham. "It may not have been because he wanted us to leave so he could have sex with *Jane*."

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Peckham stated that she and Hayward were present in *John*'s room because they were worried about how drunk *Jane Doe* was. "We were trying to make sure she didn't do anything she would regret," Peckham said.

Peckham summarized the events of the 30 minutes that she and Hayward were with *John* and *Jane Doe* as: *Jane Doe* trying to kiss *John* and dance with him; *Jane Doe* trying to drink from the bottle of alcohol and Peckham trying to take it away; and *John* trying to get her and Hayward to leave his room.

Peckham said that she never saw *John* touch *Jane Doe*'s breasts or her genital area. At one point, Peckham said that *Jane Doe* took off her shirt, and Peckham made her put it back on. Peckham stated that *John* did not say or do anything to prevent her (Peckham) from getting *Jane Doe* to put her shirt back on.

c. Hayward's account

Hayward recalled that the lighting in *John*'s room was very low and that loud, techno music was playing. Hayward said that he saw a bottle of vodka in the room, but he could not recall if the bottle was "a handle or a fifth."³ The room did not appear as if a party had taken place there, he said, and *John* and *Jane Doe* were alone in the room. He estimated that the time was around midnight.

According to Hayward, *Jane Doe* and *John* were dancing, and "they were both really drunk." Hayward said that he and Peckham also danced with each other a bit. Hayward recalled *John* talking about the water polo team's initiation, which *John* said he participated in earlier that Saturday. *John* told them, "I have been drinking since 1 p.m." According to Hayward, *John* was telling them how much alcohol he drank that day as if to say, "That is why I'm acting like I'm so crazy."

Hayward described *John* as "loud, obnoxious, kind of pushing everyone, going nuts a little bit." He said that *John* was "very bouncy, very touchy" with him and Peckham. Hayward said that from the way *John* was talking and acting, it was obvious he was drunk.

Hayward recalled that *John* and *Jane Doe* were kissing while they danced and that all four of them were taking swigs of vodka directly from the bottle. According to Hayward, Peckham was "a little worried" because she thought *Jane Doe* was not fully aware of what she was doing, and Peckham said to *Jane Doe* "Hey, let's be going."

³ A "handle" of alcohol is a 1.75 liter bottle, while a "fifth" is 750 milliliters.

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At some point, Hayward recalled that *John* took his shirt off and then *Jane Doe* removed her shirt and was wearing her bra. Hayward said that *John* wanted Hayward to remove his shirt, too. Hayward said that he did remove his shirt for a minute, but then put it back on.

According to Hayward, eventually *John* and *Jane Doe* laid down together on *John*'s bed, with *Jane Doe* on top of *John*. When this happened, Hayward recalled that he and Peckham told *Jane Doe* "*Jane*, It's time to go." He recalled that *Jane Doe* was "a little upset and indignant." He described her as "resisting leaving [*John*'s room] a little bit, while at the same time, she was aware that we were doing the right thing" by directing her back to her dorm room.

Hayward said that while *Jane Doe* was on top of *John* on the bed, the two of them were "getting really physical." Hayward recalled that *Jane Doe* "was kind of riding on top of [*John*]. Her hips were moving." Hayward said, "It looked like something [sexual] was going down." He recalled that *John*'s shirt was off at this point, but he could not recall whether *Jane Doe*'s shirt was off or on.

9. *Jane Doe* Went to Her Room—Second Time

Jane Doe stated that she went back up to her dorm room with Peckham and Hayward. She stated she lay there for about five minutes before she started sending text messages to *John* and to a friend from home. (The text messages are discussed below.)

According to Peckham, around midnight, *John* told the group he had something to do, and left his room. At that point, Peckham and Hayward took *Jane Doe* upstairs to Braun 320 and put her to bed. Peckham said *Jane Doe*'s roommate, Genevieve Babcock, was not there. Peckham and Hayward put the blankets over *Jane Doe* but did not undress her. Peckham said *Jane Doe* did not discuss *John* while being put to bed.

Hayward's recollection differed slightly from Peckham's. Hayward stated that he and Peckham got a hold of *Jane Doe* with one of them on either side of her, and maneuvered her out of *John*'s room. He said, "*Jane* really couldn't walk that straight." As this was occurring, Hayward recalled *John* saying, "No, don't do it," meaning don't remove *Jane Doe* from his room, but *John* did not grab *Jane Doe* or otherwise physically try to prevent her from leaving. According to Hayward, *John* called out to *Jane Doe* that it would "be more fun" if *Jane Doe* stayed with him.

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Hayward said that *John* did not exit his room at this point. Hayward never saw *John* anywhere that night other than inside his own room.

According to Hayward, he and Peckham took *Jane Doe* upstairs to her room on the third floor. He described *Jane Doe* as "super drunk," at this point and "talking, but making no sense." He said that she seemed "incoherent." He did not recall her saying anything about *John*. Hayward said that he and Peckham put *Jane Doe* into bed and closed the door. Hayward estimated that this was about 1 a.m. He recalled that *Jane Doe's* roommate was not there.

Peckham and Hayward both agreed that they left *Jane Doe* alone in her room, and then separated from each other. Peckham said she went back to the second floor of Braun to a friend's room, where she stayed for about 45 minutes. Hayward said that he stayed in front of *Jane Doe's* room briefly after Peckham walked away.

a. Text messages

Jane Doe said that shortly after Peckham and Hayward put her to bed, she sent a text message to her friend, Gentry Whittaker, who lived in Tennessee, saying she was going to have sex.

Both *Jane Doe* and *John*'s attorney provided PII with screen shots of text messages sent early September 8th. Exhibit 3, 4, 5 and 6. *Jane Doe* sent a few text messages to Gentry, in this timeframe. Exhibit 5. They said:

12:20 a.m. "I'm wasted" (*Jane Doe* to Gentry)

12:40 a.m. "The worlds moving" and "I'mgoingtohave sex now" (*Jane Doe* to Gentry)

Jane Doe and *John* were also exchanging texts with each other during this timeframe. The documents provided by *John* showed a time-stamp for each text sent, while *Jane Doe's* set of texts did not record the time of each individual message.

John also sent text messages to Gavin Rose and to a woman named Maya during this time period. Exhibit 6.

Some of the messages exchanged between *Jane Doe* and *John*, Rose and *John*, and Maya and *John* were as follows:

12:31 a.m. "The second that you're away from them, come back" (*John* to *Jane Doe*)

12:31 a.m. "Okay" (*Jane Doe* to *John*)

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- 12:35 a.m. "Get the fuck back here." (John to Jane Doe)
- 12:36 a.m. "They're still with me o" (Jane Doe to John)
- 12:36 a.m. "Make them leave. Tell them you want to sleep. I'dc. Just get back here"
(John to Jane Doe)
- 12:37 a.m. "Okay do you have a condom (Jane Doe to John)
- 12:38 a.m. "Yes." (John to Jane Doe)
- 12:39 a.m. "Good give me two minutes" (Jane Doe to John)
- 12:39 a.m. "Stay the fuck out of our room." (John to Rose)
- 12:40 a.m. (Jane Doe sends the two text messages to Gentry Whittaker, described above, about the world moving and that she is going to have sex now.)
- 12:41 a.m. "Come here." (John to Jane Doe)
- 12:41 a.m. "Coming." (Jane Doe to John)
- 12:42 a.m. "Good girl." (John to Jane Doe)
- 12:42 a.m. "Knock when you're here" (John to Jane Doe)
- 1:57 a.m. "<3 you. Our room is free, go back any time. I'll be there about 2:30"
(John to Rose)
- 2:10 a.m. "Yeah. I don't even know what happened, I'm so fucking out of this world."
(John to Maya)

b. Leaving her room

Jane Doe recalled that after communicating with John by text, she looked out the peep hole of her door and saw Hayward, in addition to one of her R.A.s. and her neighbor, Anna. Jane Doe said, "I am freaking out because I was really drunk, and I don't want the R.A. to see me."

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Between 12:43 a.m. and 12:55 a.m., *Jane Doe* and *John* exchanged another series of text messages about Hayward and the R.A. being outside her door. In one message, *John* told *Jane Doe* to leave her room and say she was going to the bathroom. Exhibits 3 and 4.

Jane Doe stated that upon seeing Hayward outside her door, she thought to herself, "Jamison? Oh crap, what are you doing here?" However, she stated that when she opened the door, she pretended to be more congenial, saying to him, "Whoa, Jamison, what are you doing here?" in a friendly way. She recalled telling Hayward she needed to go to the bathroom and then walked down to the bathroom. *Jane Doe* stated that she did not enter the bathroom, however, but walked past it and down the stairs to the second floor. *Jane Doe* stated that she felt excited that her ruse to get past Hayward and go downstairs to *John*'s room was working.

Hayward recalled that shortly after Peckham left, *Jane Doe* opened her door and came out of her room. Hayward estimated that *Jane Doe* had only been in her room for about 30 seconds before she opened the door.⁴ He said that the next sequence of events is confused in his recollection, but he recalled that *Jane Doe* kissed him on the neck. He said that he did not kiss her in return but hugged her. He said that he did not recall if she was speaking coherently at this point. Next, he recalled that she went down the hall to the bathroom.

Hayward said that he could not follow *Jane Doe* into the girls' bathroom. While she was gone, he passed out on the floor near her door for a few minutes. He recalled that a student who lived across the hall from *Jane Doe* together with an R.A., woke him up and asked, "Why are you in our hall?" He said that he did not know the name of this student, but recognized her as a girl from the track team. He said that he explained to them that *Jane Doe* was in the bathroom, and they assured him that they would assist her. He said that he felt comfortable that they would look out for *Jane Doe* and he left to go to Stewart-Cleland Hall.

10. Returning to *John*'s Room

Jane Doe said that as she walked down the stairs to go back to *John*'s room, she began to feel "really dizzy" and "really sick." She stated she held onto the stair rail. She also felt very nauseous, and, after she got to the second floor, she said she vomited into a trash can. *Jane Doe* recalled that someone came up behind her as she

⁴ Based on the text messages, *Jane Doe* was in her room for about 25 minutes.

threw up, and held her hair. She said she learned later that this person was Gavin Rose, who also took her into men's bathroom where she finished throwing up.

Rose stated that he returned to the second floor of Braun Hall to get his friend Nick, who lives one or two doors down the hall from Room 206. Rose stated he saw *Jane Doe* walking towards him from the direction of his and *John*'s room. According to Rose, she appeared to have a hard time walking, and was stumbling. He said she was headed towards a trash can in the hall and then she threw up into it.

Rose said that he went to *Jane Doe* and held her hair back, suggested that she go into the bathroom, and she agreed. Rose said they went into the men's room on the second floor of Braun, where *Jane Doe* threw up some more. When *Jane Doe* indicated that she felt better, she and Rose left the restroom.

According to Rose, *Jane Doe* walked back towards room 206, while he went back the way he came, in the opposite direction. Rose said that he believed that *Jane Doe* would go up the stairs and to her room. Because she had just thrown up, Rose said he believed she was "done" for the evening.

11. Inside *John*'s Room – Second Time

a. *Jane Doe*'s account

Jane Doe stated that after vomiting, she walked to *John*'s room. She said that she has a recollection of *John* pulling her into his room.⁵ She stated, "I think I told him I threw up and I think he gave me a piece of gum." She stated she believes she got to his room around 12:50 a.m., and stayed there until around 2:00 a.m. She stated that she has a series of "non linear recollections" about what happened during that period.

Jane Doe stated that she did not think she took her shirt and bra off while having sex with *John*. She remembered asking *John* if he had a condom, because she had not used any birth control. *Jane Doe* stated several times to PII that she "had sex" with *John*. When questioned about this, she said that she only specifically recalled performing oral sex on him and did not remember having sexual intercourse.

Jane Doe said that *John* left the room at one point and returned very quickly. She remembered another point where there was a knock at the door, and the sound of three voices asking her if she was okay. She believed that one of the voices may have

⁵ *Jane Doe* stated that she did not recall who held her hair while she vomited, but has been told by others that it was Rose, and that Rose walked her down to *John*'s room afterwards.

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been Aidan Dougherty, and another was a woman named Megan. *Jane Doe* said she later learned that the third voice was a student named Mia.⁶ She remembered, at another point, *John* saying his roommate had just come in.

Jane Doe said she did not remember how many times she and *John* had sex that night. She stated she remembered that she didn't move very much. She recalled getting her shorts back on, but not her belt, and said that her belt and earrings were in *John*'s room the next day. She stated she remembered *John* telling her to get on the bed, but did not recall any other conversation with him during this period. She stated, "I don't remember him really talking."

Jane Doe stated she could not recall what she was thinking as she went back down to *John*'s room the second time. She stated, "The thing is I have no clue what I was thinking. I would never have done that if I had been sober. . . . I don't know what was going through my head." She described herself as "a hopeless romantic" who wanted the loss of her virginity to be a more special event.

Jane Doe said that at the time she and *John* had intercourse, *John* did not know that she was a virgin and did not know that she was under age 18.

b. Dougherty's account

Dougherty said around 2:00 a.m. on Sunday, September 8th, he saw Gavin Rose with several friends, including Miya and Megan.⁷ Rose told Dougherty that *John* and *Jane Doe* were alone in the room he and *John* shared, and that Rose could not return to the room for that reason. Dougherty stated that he had been in his room playing video games that night and was not intoxicated at this time.

Dougherty noted that he was not friends with *Jane Doe* but had seen her around Braun. However, he stated that he had attended the sexual assault prevention training during orientation, had heard the presentation on consent and alcohol consumption, and therefore asked Rose if both *John* and *Jane Doe* were "okay." According to Dougherty, Rose responded that *Jane Doe* was intoxicated and that she had thrown up earlier in the evening. Rose told Dougherty that he (Rose) had held her head while she vomited. Dougherty said Rose indicated that *Jane Doe* was "very drunk."

When Dougherty expressed concern about *Jane Doe*'s condition, Rose told him something like "You're free to check" and then gave Dougherty the access code to his

⁶ *Jane Doe* did not provide last names for these students.

⁷ Dougherty provided a spelling of Miya with a "y."

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room and the swipe card to open the door. Dougherty said he went to Room 206, where he found a folded up piece of paper in the area for the swipe card, which he removed. Dougherty said he later learned this was a signal between Rose and John to let one another know not to enter the room. He said that he did not re-position the piece of paper later when he left Room 206. According to Dougherty, he punched in the access code and used the swipe card to open the room door.

Dougherty said the lights were off, but he could see John sitting up in the middle of the bed, naked, holding a pair of shorts over his crotch. Dougherty said he could also see Jane Doe under the covers. According to Dougherty, John said, "Yo, get the fuck out." Dougherty said he was "taken aback," and immediately closed the door. He estimated he had stood in the doorway for about 15 seconds.

After closing the door, Dougherty recalled standing outside of Room 206 for about one or two minutes. He said that John came out of the room wearing shorts and a shirt, and went down the hall to the restroom. At this point, Dougherty said he knocked on the door and said, "Jane?" He heard Jane Doe reply, "Yeah?"

Dougherty said he asked if she was okay, and Jane Doe responded, "Yeah." Dougherty said he asked, "Are you sure?" to which she replied, "Yeah. I'm fine." According to Dougherty, he then asked Jane Doe a third time if she was okay, and she answered that she was. Dougherty explained that he asked Jane Doe three times if she were okay because, from her tone of voice, he was not entirely convinced she was okay. He said that Jane Doe responded to him slowly and in a "down way" that was "kind of sad." However, Dougherty stated that, based on Jane Doe's three statement to him, he left the area. "I took her word for it," he said.

c. Rose's account

Rose's account differed in some aspects from Dougherty's account. Rose stated that on September 7th or 8th, he did not give his key card or the access code to his dorm room to anyone. He said he was not aware of anyone other than himself walking in on Jane Doe and John while they were in bed together.

Rose said that after he left Jane Doe with John, but before she vomited, he returned to his friends and they were "milling around in the hallway." At this point, Rose said he saw Aidan Dougherty. Rose said he told Dougherty that John and Jane Doe were in his dorm room and that both were drunk. According to Rose, Dougherty said, "Maybe that isn't a good idea," and went to check on them. When Dougherty returned, he told Rose that Jane Doe said that she was okay.

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Rose said he then left Braun Hall and met up with his friends, who were on the lower part of the campus. When Rose discovered that he did not have any money or a credit card, however, he ran back to his dorm room. He estimated that at this point, it was about 1:00 a.m. According to Rose, when he opened the door to Room 206, he saw *John* and *Jane Doe* having sex in *John*'s bed.

Rose said that *Jane Doe* was on her back with her legs spread, while *John* was on his knees between her legs. No covers were on either of them. Rose said that *John* was "fully naked." Rose recalled that he could only see *Jane Doe* from the waist down, and the lower half of her body was naked. He said he could not see *Jane Doe*'s face because *John*'s torso blocked his view. According to Rose, *Jane Doe*'s legs were moving. Based on this, he said that he believed she was conscious. Rose said that *John* did not appear to be restraining *Jane Doe*.

Rose estimated that he was in the doorway for "a split second," before he quickly closed the door and left. No one said anything during the time Rose was in the doorway.

According to Rose, he and *John* had worked out a system of putting a piece of colored paper in the key swipe if they needed privacy in the room. Rose said no paper was in place when he returned to the room to get money. Rose said he was not aware of any paper being in the key swipe on September 7th or 8th, and did not think that anyone else knew of his and *John*'s system.

Rose said that at about 2:45 a.m., *John* sent him a text message saying that he could go back to their room.

12. Returning to Her Room – Third Time

Jane Doe stated that she left *John*'s room around 2:00 a.m., and walked up the stairs to third floor. As she got to the top of stairs, Peckham saw her and asked where she had been. *Jane Doe* stated that Peckham walked her to her room. By this time, Genevieve Babcock, *Jane Doe*'s roommate, was present. According to *Jane Doe* Peckham left her with Babcock. *Jane Doe* recalled telling Babcock that she had vomited, and Babcock took her to the bathroom. After this, with the help of their neighbor Maddie DiMarco, Babcock put *Jane Doe* into her sleep shorts and put her into bed. According to *Jane Doe* Babcock attempted to take her cell from her, but she (*Jane Doe* became very angry and Babcock gave it back to her. *Jane Doe* said that after staying with her for a while, Babcock left the room.

Babcock said she returned to her dorm room in the early morning around 2:45 a.m., and found *Jane Doe* and Peckham there. Babcock described *Jane Doe* as "very

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incapacitated" at this point. Babcock stated that *Jane Doe* did not have a lot of control over her motor skills or her speech. Babcock said *Jane Doe* was slurring her words and "just talking drunk." Babcock said she did not recall anything specific that *Jane Doe* said and that *Jane Doe* made random comments. She said that *Jane Doe* did not mention *John Doe* or where she had been that night. Babcock helped *Jane Doe* into bed and gave her some water, but it dribbled out of her mouth.

Babcock said Peckham told her that *Jane Doe* had thrown up earlier. She said that she and Peckham removed *Jane Doe's* shorts and put her into pajamas. After putting *Jane Doe* to bed, Babcock told Peckham that she could leave.

Babcock recalled checking *Jane Doe* for alcohol poisoning because she was concerned about how intoxicated *Jane Doe* appeared. She recalled that *Jane Doe* was conscious and told Babcock that she felt nauseous. Once *Jane Doe* was settled, however, Babcock said she went down the hall to take a 10-minute shower.

Peckham said that around 12:45 a.m., she decided to go to bed and enroute to her room third floor room, she encountered *Jane Doe* coming up the stairs from the second floor. Peckham recalled saying to *Jane Doe* "I put you to bed an hour ago," and *Jane Doe* replying that she was fine and that she was just hanging out. Peckham recalled telling *Jane Doe* "Okay, we are going to tuck you into bed."

Peckham said she walked with *Jane Doe* to Room 320 again and this time, Genevieve Babcock, *Jane Doe's* roommate, was present. She said that she and Babcock changed *Jane Doe* into her pajamas and put her into bed.

13. *Jane Doe* Goes to Stewart-Cleland

Jane Doe stated that, after Babcock left the room, she "didn't feel like going to sleep." *Jane Doe* explained that students usually hung out around Stewart-Cleland Hall, adjacent to Braun Hall. She recalled finding her phone and her key card, and putting on her shoes. She said she walked down the stairs and across the grassy area known as "Stewie Beach" to Stewart-Cleland Hall, walking in the front entrance. Upon entering the common room, she said she saw a student named Danny Stauffer, whom she had met the night before at Septemberween. She recalled that the two of them talked and joked, and *Jane Doe* specifically remembered making fun of NASCAR, which was on a nearby television.

According to *Jane Doe* shortly after arriving at Stewart-Cleland, Babcock called her cell phone. *Jane Doe* said that Babcock ended up talking with Stauffer on *Jane Doe's* phone. *Jane Doe* later learned that Stauffer had joked with Babcock that *Jane Doe* was "going at it with a guy." Soon after this, Babcock appeared at Stewart-

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Cleland and took *Jane Doe* back to Braun Hall. *Jane Doe* recalled that they took a circuitous route to avoid being seen by the R.A.s. Babcock put *Jane Doe* to bed, taking *Jane Doe's* phone from her. *Jane Doe* stated she fell asleep around 3:00 or 3:30 a.m.

Babcock said that when she returned to her room after the shower, *Jane Doe* was gone. Babcock said she called *Jane Doe's* phone and eventually a male student answered. Babcock recalled saying, "Where is *Jane*? Put her on the phone." According to Babcock, the student told her, "She is going at it with some guy." Babcock said the time of the call was 2:45 a.m.

Babcock said she tried talking to *Jane Doe* on the phone, but *Jane Doe* was slurring her speech so badly, Babcock could not understand her. "I was super worried," Babcock said. Babcock eventually ascertained that *Jane Doe* was at Stewart-Cleland, and she went there to retrieve her. Babcock said she found *Jane Doe* in the common room, wearing her pajamas, "sitting on a couch on some guy's lap."

According to Babcock, *Jane Doe* was not able to walk on her own and "buckled under her own weight." Babcock said that a male student, Grayson Burden, stepped in and helped Babcock maneuver *Jane Doe* back to Braun Hall. Babcock described the period around 3 a.m., during the walk back to Braun Hall, as the worst point for *Jane Doe* in terms of mobility, based on the times that Babcock had observed *Jane Doe* that night.

Once back in their room, Babcock recalled that she kept taking *Jane Doe's* cell phone away from her. Babcock said that she waited for *Jane Doe* to fall asleep. Babcock said that she did not see any signs that would indicate alcohol poisoning.

Jamison Hayward also observed *Jane Doe* early Sunday morning at Stewart-Cleland. After leaving Braun Hall, Hayward went to "Stewie Beach" for 15 to 30 minutes before he went inside to the common room. He said that shortly after he went into the common room, *Jane Doe* entered the common room and sat down on the lap of a male student. Hayward described *Jane Doe's* behavior as "Marilyn Monroe-esque" and demonstrated by holding his arms above his head, with his palms facing up. He said that he thought to himself, "Oh, my God." Hayward said that he then saw another girl, who appeared to be with *Jane Doe* the girl was saying, "*Jane*, come back."

According to Hayward, at the point when *Jane Doe* was at Stewart-Cleland in the common room, she was "extremely drunk." He said that she was able to get herself around – to move from point A to point B – but she "was struggling." He described her as "weaving, putting her hands on the couch" for balance.

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Hayward said that *Jane Doe* appeared to be drunker than she was when he had been with her in *John*'s room. Hayward said, "I didn't know it was possible to be more drunk than she was [earlier]."

Maddie DiMarco said she helped Babcock put *Jane Doe* when *Jane Doe* returned from Stewart Cleland.⁸ DiMarco said that she encountered Babcock on the third floor of Braun Hall around 2 or 3 a.m., looking for *Jane Doe*. According to DiMarco, Babcock said that *Jane Doe* was "pretty intoxicated" and was "with a guy." Babcock told DiMarco that she did not know the name of the individual *Jane Doe* was with.

DiMarco recalled that she offered to help look for *Jane Doe* but Babcock said that she could handle it. DiMarco said that she then went into her room. A while later, when she left her room to brush her teeth, DiMarco said she saw *Jane Doe* and Babcock coming back to their room. According to DiMarco, *Jane Doe* was "pretty intoxicated" and Babcock appeared to be "a little upset with *Jane*."

DiMarco said that she helped Babcock get *Jane Doe* into bed. DiMarco recalled that *Jane Doe* was slurring her words and was stumbling. DiMarco said that Babcock told her that *Jane Doe* had vomited earlier.

DiMarco recalled that *Jane Doe* objected to being put into bed and kept trying to get up. After putting *Jane Doe* into bed, DiMarco said she and Babcock walked out of the room. In DiMarco's recollection, Babcock told DiMarco that *Jane Doe* had said that she may have had sex that night. DiMarco said that *Jane Doe* did not tell Babcock who her sexual partner was. DiMarco clarified that she did not recall exactly what was said that night. However, she said that she remembered being surprised because "I just didn't think that [having drunk sex] was something *Jane* did [REDACTED]"

DiMarco characterized Babcock's reaction to what *Jane Doe* told her as "surprised and confused." DiMarco said, "I think that Genevieve was a little annoyed at *Jane* about it." DiMarco recalled Babcock saying, "I can't believe she just did this," in reference to *Jane Doe* getting drunk and possibly having sex.

14. Other Text Messages

Early on September 8, 2013, Chloe Welmond said that she received a text

⁸ *Jane Doe* recalled that DiMarco helped Babcock put her (*Jane Doe*) to bed before she left for Stewart.

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message from *Jane Doe* time-stamped 2:14 a.m.⁹ The text message read as follows:

"thank you. Ypureagoodperson" 🙌

Jane Doe and Hayward also sent text messages to each other between approximately 1 a.m. and 2 a.m. on September 8th. They were as follows:

- 1:04 a.m. "U ok?" (Hayward to *Jane Doe* ¹⁰)
- 1:46 a.m. "Where are you?" (*Jane Doe* to Hayward)
- 2:05 a.m. "I'm drunk" (*Jane Doe* to Hayward)

Jane Doe also provided a copy of text messages she exchanged with a student named Matt on September 8th. At 2:15 a.m., she sent a text to Matt that said, "I'm do drunk."¹¹

C. Following Days

In the period following her interactions with *John*, *Jane Doe* spoke with several people about what had occurred and her reactions to the events of September 7th and 8th. In addition to her parents, the LAPD, staff at Emmons Health Center, and Professor Reddy, *Jane Doe* also spoke with several witnesses interviewed for this investigation, including Babcock, Dougherty, Rose, Peckham and Professor Danielle Dirks. She also talked to *John* about what happened and exchanged several text messages with him over a several day period.

Additional information from *Jane Doe* and witnesses about what happened in the days and weeks that followed is included in the summaries of witness interviews.

IV. [REDACTED]

⁹ Welmond still had the text message from *Jane Doe* on her phone when she was interviewed by investigators. She showed the text message to investigators, and it is presented here exactly as it appeared on Welmond's phone.

¹⁰ Hayward said that he believed he sent this message to *Jane Doe* when she did not return to her room from the bathroom.

¹¹ The text messages between *Jane Doe* and Matt also included a text that *Jane Doe* said she did not write. This message said, "Ah bring the thunder to me babe ;)." According to *Jane Doe* when she was at Stewart-Cleland around 2:30 a.m., Danny Stauffer had control of her phone for a period of time and he wrote this text message.

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[REDACTED]

[REDACTED]

[REDACTED]

V. Information from the College

A. Freshmen Orientation

During investigation, Lauren Carella forwarded information to PII that she received from Tamara Rice, Assistant Dean of Students and Director of Student Life, regarding Orientation. Dr. Rice verified that *Jane Doe* and *John* both attended the Orientation sections that dealt with sexual misconduct and the College's policies in this area.

B. Pattern Evidence

According to the College's Sexual Misconduct Policy, investigators "may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent." During investigation, Lauren Carella stated that the College had no reports of prior allegations against *John Doe*.

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VI. List of Exhibits

1. [REDACTED]
2. Watch Supervisor Observation Report, Saturday, September 7, 2013
3. Text messages between E. Jane Doe and D. John (provided by E. Jane Doe)
4. Text messages between D. John and E. Jane Doe (provided by D. John). 12
5. Text messages between E. Jane Doe and others (provided by E. Jane Doe)
6. Text messages between D. John and G. Rose; Text messages between D. John and Maya (LNU).
7. Floor plans, second and third floors, Braun Hall
8. Hand-written notes prepared by D. Dirks of Jane Doe's recollection of the events.

¹² John spelled Jane Doe's last name phonetically as [REDACTED]

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Witness Statements

WITNESS

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TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Jane Doe

Jane Doe was interviewed on October 9, 2013, at Occidental College by Cathleen Watkins and Keith Rohman.¹ *Jane Doe* was accompanied by her Advisor, Professor Movindri Reddy.

Background Information

Jane Doe a freshman, turned 18 on [REDACTED]. She arrived on campus on August 22, 2013, and resides in Braun with her roommate, Genevieve Babcock. There are two RAs on her floor, Emily Applewhite and Rachel (LNU). Braun Hall is organized single sex floors, with women on the first and third floors and men on the second floor. While access from the exterior requires swipe cards, once students are inside the building, they can access all the floors without any swipe cards.

At the time of the incident, *John Doe* lived on the second floor of Braun, and *Jane Doe* and *John* were both in the Cultural Studies Program (CSP) and in the African Revolutions class taught by Professor Movindri Reddy. *Jane Doe* stated that she did not have much interaction with *John* during the first weeks of school. She recalled sitting one seat away from him in one class, with another student, Matt, sitting between them.

She said that classes started on the August 28th, and, on the following Monday, the class attended an African Market where she and *John* met for the first time. She

¹ Throughout her account *Jane Doe* referred to all of the participants in these events by their first names. In some cases, she did not know their last names. This summary uses the individual's last name, if known. Otherwise, first names are used.

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stated that they were introduced, and had some initial conversation about subjects like where they were from.

On Friday night, September 6th, the school held its annual Septemberween Party, and, at some point that night, *Jane Doe* recalled being in *John*'s room for a dance party. *Jane Doe* said that when *John* saw her that night, he was "really happy to see me, but I thought that was weird since you don't even know me." *Jane Doe* was in *John*'s room with a group of friends who may have included Charles Baxter. She said *John*'s room was very crowded, and the party was quickly shut down by the RAs who said fewer people needed to be there.

Jane Doe said that aside from her conversation with *John* at the African Market, and their brief conversation in his room on September 6th, she did not recall speaking with him any other time that week. She recalled seeing him at the Septemberween Dance, but did not believe she spoke with him. *Jane Doe* said that she was Derrick (LNU) almost all of that night.

Evening of September 7, 2013

Jane Doe stated she was hung over on the morning of September 7th from the Septemberween Party and slept until noon. She recalled going to the gym to work out, and getting some food before going to the library to study. When she got to the library, she realized she was having difficulty focusing on her work, so she returned to her room to take a nap. She stated that she took some Motrin during the day, but took no other medication that day or night, either prescription or non-prescription.

She said a soccer match was scheduled for that evening and many of the freshmen were planning to attend. *Jane Doe* planned to attend as well. She stated that many freshmen were "pre-gaming," which she described as getting drunk before the game. *Jane Doe* said that she was "very determined" to eat some dinner before she starting drinking, however, so she went with her friend Harrison Rosenthal to eat around 7 p.m. She stated having a turkey burger and fries. She stated that the game started at 7 p.m., and she and Rosenthal arrived after half time. The game ended around 8:45 or 9 p.m.

Drinking at Braun Hall

After the game, *Jane Doe* said she and Rosenthal met up with some friends, including her friend Angela "Angie" Peckham. *Jane Doe* said Liam Driscoll may have been with her group at this point, or she may have run into him later. *Jane Doe* was unsure about this. She noted that, at this point in the evening, her memory of events was less clear.

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Jane Doe said she eventually ended up in Driscoll's room with other friends. She recalled that Peckham, Rosenthal, Maddie DiMarco, James, Reese, and Riley were present, all of whom lived in Braun Hall.² Jane Doe recalled getting to Driscoll's room around 9:15 or 9:30 p.m. Jane Doe said someone pulled out some lemon vodka from the freezer, and she took her first shot from a shot glass.

According to Jane Doe she went up to her room by herself at some point to get some orange juice to mix with the vodka. She said she filled her orange juice bottle with a mixture of two-thirds orange juice and one-third vodka. Jane Doe stated that she could not remember if she also took another shot at that time, but recalled having had either one or two shots of vodka. She went back to Driscoll's room, but eventually left again with Peckham and DiMarco to go to their rooms on the third floor in order to change their clothes before going out again. She stated that, by this time, she had drunk about half of the orange juice-vodka mixture.

Jane Doe recalled that the three women returned to Driscoll's room, and continued to drink and play games. Jane Doe recalled playing an iPhone game in which you have a word stuck on your phone, which you are holding up to your head. She stated that she realized she was getting "tipsy" at that point, and had finished the orange juice mixture. Nonetheless, while she was intoxicated, she could "still kick butt at the game."

Soon after this, Jane Doe recalled having one to two inches of vodka poured into a red plastic cup, which consumed in two or three swallows.

Leaving Braun Hall

Around 10:15 to 10:30 p.m., Jane Doe said the group decided to go into the neighborhood to one of the frat parties in the area. Jane Doe recalled that September 7th was initiation night for most of the sports teams at Occidental.

Jane Doe stated that, by this point, she "was getting more and more drunk." She said that she could not walk straight, and while walking down the steps, she slipped and hurt her knee, even though she did not realize this until she saw the cut on her knee later. She described the sensation of being intoxicated as getting "light around my head" and recalled getting that feeling that night. She said several of the friends in her group commented that Jane Doe could not walk in a straight line, and was getting a little loud.

She said the group included Peckham, DiMarco, Rosenthal, James, and Riley. She thought that Driscoll may have been with them as well. Jane Doe stated that

² No last names were provided for James, Reese, or Riley.

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everyone, except perhaps James, had been drinking. At one point, Jane Doe said she got a piggy back ride from Rosenthal because she was having difficulty walking.

She said that the group exited the campus on Bird Road, and walked down Ridgeview Avenue. At some point, she said James and Riley turned back to campus to take care of a friend. According to Jane Doe, when the group was a couple of houses away from campus, they ran into another group of students. She also recalled their group being approached by Campus Security, who told them that about a neighbor complaint that their group was being too loud.

Jane Doe said that she saw her roommate, Genevieve Babcock, one time that evening while Jane Doe was away from Braun Hall. This happened when she and Babcock were both walking around off campus, and Jane Doe saw Babcock with another group of students. Jane Doe said she did not recall this herself, but was told by Babcock later that Jane Doe ran over to Babcock and said, "Hello."

Enroute to Mt. Fiji

After the contact with Campus Security, the group returned to campus and decided to walk up to Mt. Fiji. Jane Doe stated Mt. Fiji has a great view, but at the top of a steep hill. Jane Doe recalled she got halfway to the gate entrance below Mt. Fiji when she and realized she could not make it up the hill. She said told her friends she was having trouble walking and did not want to go up the hill. According to Jane Doe, her friends encouraged her to keep going and said they would carry her, but Jane Doe said she could not continue. Jane Doe recalled that Peckham and Jamison Hayward were with her. However, Jane Doe recalled that another student, Chloe Welmond, walked her back to her room and helped her get into bed.

Going to John's room—First time

Jane Doe stated that after being back in her room, she realized that she was bored. She stated, "I [was] wired with energy." She said she went downstairs to the second floor of Braun Hall, because there were usually people there. She said she heard the sound of music from one of the rooms and ran into Gavin Rose, who is in her African Revolutions class. She asked Rose where the music was coming from, and he said his roommate was having a dance party. Jane Doe noted that she has always loved dancing, particularly when she is drunk. She said that she was drunk at this point. Jane Doe said that Gavin unlocked his room for Jane Doe and let her in.

Jane Doe said that when she entered the room, she found the lights off, and three women in the room with John. Jane Doe said she did not know the women's names. According to Jane Doe when John saw her, he called out to her excitedly, "Jane!" Jane Doe stated that in her recollection, she believed that John pulled her

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into his room at some point in the evening. She said that she was not sure if this happened at this point, or later.

Jane Doe said that the three women left John's room "very quickly" after she arrived. She stated the women were Rose's friends. Once the women left, Jane Doe and John began dancing together. While dancing with John, Jane Doe said she received three calls in quick succession on her cell phone, but she did not recall the conversations. She later learned that the calls were from Peckham and Hayward, who realized she was really intoxicated, and that they should not have left her alone. While she did not recall the conversation, she stated the two soon came looking for her.

Jane Doe noted there was "a big hole" in her memories of the evening, particularly during this period. She remembered dancing with John and that Peckham and Hayward were sitting on John's bed. According to Jane Doe, Hayward took out a bottle of vodka, which she drank from, and then she danced more. She said she was drinking straight from the bottle, and remembered alcohol spilling on her. She stated that she knew she was drinking Smirnoff and it should have burned her throat going down, but it didn't because she was so intoxicated at the time.

As Jane Doe continued to dance with John, she recalled feeling hot and took off her shirt. She stated that she thought she had a bandeau on over my bra, but this was not the case. She said that she was dancing wearing only her bra on the upper half of her body. Jane Doe stated that when she took off her shirt, "Angie flip[ped] out and [said], 'You need to get your shirt on.'" Jane Doe stated she reached to get her shirt off the floor, but as she did this, John grabbed the shirt. At this point, Jane Doe said, "Angie got really mad" at John. She stated that at one point, John grabbed Peckham's wrist as Peckham tried to get Jane Doe to put her shirt on. Jane Doe said she eventually put her shirt back on.

At another point, Jane Doe stated, John pushed her on to the bed and "we ma[d]e out for a while." She said that the two also talked about what type of music to listen to. Jane Doe stated that, looking back on what was happening, she realized that Peckham and Hayward "were getting really worried about me," and were trying to figure out a way to get her out of the room.

While Jane Doe and John were on the bed "making out," Jane Doe recalled, John told her to get rid of Peckham and Hayward. He told her to let them take her up to her room and then come back to his room. Jane Doe said John also told her to give him her number, so he could text her to come back down. She stated that John told her to come back down "so he can fuck me."

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Early Morning, September 8, 2013

Returning to her dorm room

Jane Doe stated that after Peckham and Hayward put her to bed, she lay there for about five minutes. She recalled sending a text to best friend in Tennessee, stating, "I'm going to have sex now," without any spaces between the words.

Meanwhile, Jane Doe stated that John was texting her asking where she was. Jane Doe said she looked out the peek hole in the door and saw Hayward's head. She said she could also see her neighbor, Anna, and was one of the R.A.s. Jane Doe said she was very concerned about this. She said, "I am freaking out because I am really drunk and I don't want the RA to see me." She stated that John was still texting her, and she texted back that her RA and Hayward were there. Jane Doe stated that John told her to say she had to go to the bathroom.

Jane Doe stated that when she saw Hayward's head through her peep hole, she thought to herself, "Jamison? Oh crap, what are you doing here?" Jane Doe expressed this as if her internal thought was upset and frustrated. However, she stated that when she opened the door, she was more congenial with him and said, "Whoa, Jamison, what are you doing here" in a friendly way. Jane Doe said she did not remember what Hayward said in response. (She noted that Hayward has acted "very awkward" with her since that night.)

Jane Doe stated that she told Hayward she had to go to the bathroom. She said she walked down the hall to the bathroom, but did not enter it. She said she walked past the bathroom and down the stairs. She stated she remembered feeling excited that she had succeeded in sneaking past the bathroom. However, as she walked down the stairs, Jane Doe said she did not feel well. She stated she was holding onto the rail as she walked down, and was feeling "really dizzy" and "really sick." She also felt very nauseous, and, after she got to the second floor, she threw up in a trash can. She said someone came up behind her as she vomited and held her hair. She stated she was later told this was Gavin Rose, who also took her into the men's bathroom where she finished throwing up.

Inside John's room--Second time

Jane Doe stated she then walked to John's room, and she believed that this was when John pulled her into the room. She stated, "I think I told him I threw up and I think he gave me a piece of gum." She stated she believed she got to his room around 12:50 a.m., and stayed there until around 2:00 a.m. She stated that she has a series of "non linear recollections" about what happened during that period.

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Jāne Dōe stated that she did not think she took her shirt or her bra off. She remembered asking Jōhn if he had a condom as she had not used any birth control. She stated she remembered having sex with Jōhn. When questioned about this, however, she said she could not specifically recall having intercourse with him. She stated she did recall performing oral sex on him. She remembered Jōhn leaving the room at one point and returning very quickly. She also remembered hearing a knock at the door, and the sound of three voices asking her if she was ok. She believed that one of the voices may have been Aidan Dougherty, and another was a woman named Megan. (In a follow-up conversation with Lauren Carella, Jāne Dōe said that the third voice was Mia's. Carella forward this information to PII.) Jane Doe said that she also recalled Jōhn saying that his roommate just came in.

Jāne Dōe stated that the next day, Dougherty told her about walking in the room and finding her and Jōhn together. Dougherty also said that Rose walked in the room.

Jāne Dōe stated she did not recall how many times she and Jōhn had sex that night. She stated she remembered that she did not move very much. She recalled getting her shorts back on, but not her belt, and said that her belt and earrings were in Jōhn's room the next day. She stated she remembered Jōhn telling her to get on the bed, but did not recall any other conversation with him during this period. She stated, "I don't remember him really talking."

Jāne Dōe stated she could not recall what she was thinking as she went back down to Jōhn's room the second time. She stated, "The thing is I have no clue what I was thinking. I would never have done that if I had been sober. . . . I don't know what was going through my head." She described herself as "a hopeless romantic" who wanted the loss of her virginity to be a more special event.

Since that evening, Jāne Dōe stated, others have told her that Jōhn was not as drunk as she was that night. She had heard that he had his water polo initiation that night, but she did not know how much he drank that night. She noted that Jōhn did not give her alcohol that night.

Returning to her room -- Third time

Jāne Dōe stated that she left Jōhn's room around 2:00 a.m., and walked up the stairs to her floor. As she got to the top of stairs, she said Peckham saw her and asked where she had been. She stated that Peckham then walked her to her room, and Babcock was there. She said Peckham then left, and Jāne Dōe told Babcock that she had thrown up. She said Babcock took her to the bathroom where Jāne Dōe felt she had to urinate but could not. She said Babcock then walked Jāne Dōe back to their room, and, with the help of Maddie DiMarco, changed Jāne Doe into her sleep shorts and put her to bed. Jāne Dōe stated that her bed is a "semi-loft," and she needed a

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step stool to get up into her bed. At one point, Babcock took *Jane Doe* cell phone, but *Jane Doe* became very angry and Babcock gave it back to her. After staying with *Jane Doe* for about ten minutes, Babcock left her alone.

Going to Stewart-Cleland Hall

Jane Doe stated that once Babcock left, she got out of bed. She stated, "I didn't feel like going to sleep," and noted that students usually hung out around at Stewart-Cleland Hall. She found her phone and her key card, and put on her shoes. She stated she walked down the stairs and across the area known as "Stewie Beach" to Stewart-Cleland, walking in the front entrance. *Jane Doe* stated that she entered the common room and saw a student named Danny Stauffer, whom she met the night before at Septemberween. She said the two of them were talking and joking, and *Jane Doe* remembered making fun of NASCAR which was on television nearby.

Very soon after *Jane Doe* got to Stewart-Cleland, she said Babcock called her. *Jane Doe* stated that somehow Babcock ended up talking with Stauffer. *Jane Doe* stated that she later heard that Stauffer had joked with Babcock that *Jane Doe* was "going at it" with a guy. *Jane Doe* stated that soon after this, Babcock went to Stewart-Cleland, and walked her back to Braun. She stated that they tried to take a circuitous route to avoid being seen by the R.A.s. *Jane Doe* said Babcock eventually got her back to her room and into bed. *Jane Doe* stated Babcock would not allow her to keep her phone, and would not leave until *Jane Doe* fell asleep. *Jane Doe* stated she fell asleep around 3:00 or 3:30 a.m.

September 8, 2013 – During the day

Jane Doe stated she woke up the next morning at 9:00 a.m. She stated she still felt drunk with a lightheaded feeling and was dehydrated. Soon after this, she said she looked at her phone, and saw a number of calls and "freaked out voice mails" from her best friend in Tennessee. She stated that at this point she thought something had happened with *John* the previous night. She stated that she saw the text messages, but did not recall having sex with *John* at that point. She stated, "I thought there was a possibility that I had sex with him" because of what she saw in the text messages. Around this time, she said she was communicating with her brother on Skype and realized she was having difficulty typing.

Later, *Jane Doe* said she saw DiMarco in the bathroom and told DiMarco she was still drunk. She said this was around 9:15 to 9:30 a.m. She said DiMarco walked her back to her room and told her to "find something stupid to watch on TV and go back to sleep." However, *Jane Doe* was unable to sleep, and ended up meeting her friend Rayne for some coffee and a croissant. She said she had difficulty eating and felt

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nauseous. She said she then returned to her room, where she met up with Peckham. *Jane Doe* said she told Peckham that she may have had sex with *John*.

As the day went on, *Jane Doe* said, she continued to feel at least slightly intoxicated, including "that little bit of lightness." She decided to try and get some school work done so went to the gym in an attempt to "sweat it out," but her workout lasted only ten minutes. *Jane Doe* said she eventually went to the library around 5:00 p.m., and tried to study until around 7:00 p.m. when she went to get dinner with Anna, a neighbor on her floor. Around 8:30 or 9:00 p.m. on Sunday, she said that she went back to her dorm room to get her glasses.

Earlier that day, *Jane Doe* said she had texted *John* to ask if he had her belt because she realized it was missing. He replied, saying that he found her earrings but not her belt.

Realizing she had sex the night before

While at the library, *Jane Doe* stated, she had been online and friended Aidan Dougherty on Facebook. He sent *Jane Doe* a message asking her how she was doing, which struck her as an odd question. She stated that she realized that he may have seen her the night before. She said that in her discussions with Peckham, they accounted for all of *Jane Doe* activities the previous night, except for one hour.

Dougherty then asked if she was alone and if he could talk with her. At that moment, Babcock walked in, and *Jane Doe* told her that she was afraid that Dougherty was going to tell her what happened the night before. She said Babcock left the dorm room and Dougherty arrived. *Jane Doe* stated that Dougherty told her that she and *John* had sex the night before and he knew this because he and Rose had walked in on them. *Jane Doe* stated that she had been a virgin, so when she heard this, she was "very in shock," because until then, having sex with *John* had not been confirmed. She said that, upon hearing this, "I felt in a daze."

Jane Doe said she found Babcock and told her what Dougherty had said. *Jane Doe* said that Babcock organized *Jane Doe* with a series of tasks, including going to a nearby drug store to get Plan B. Babcock also told *Jane Doe* she needed to go into Emmons Health Center the next morning. *Jane Doe* stated after going to the drug store, she returned to campus around 11:00 or 11:20 p.m. While walking on campus with her friend Anna, *Jane Doe* said she ran into *John* for the first time. Anna asked *Jane Doe* if she was ok, and *Jane Doe* said she was, and told Anna she would meet her upstairs in the dorm.

Jane Doe said she asked *John* if they could talk, and they sat down together. She stated, "I asked him bluntly, 'Did we have sex last night?'" He told her that they did,

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but when she asked how he knew, he said he did not remember having sex with her. He said that he concluded they had sex, because he found her belt and earrings, he saw his text messages, and he found a used condom. He said he was piecing together what had happened from that. Jāne Dōe said she asked Jōhn if he used a condom, and he confirmed he had. She then went to his room to retrieve her belt and earrings. During this conversation, she told Jōhn that she had gotten Plan B from the drug store. Before Jāne Dōe left his room, John told her to text him if she wanted to talk about it.

After leaving Jōhn's room, Jāne Dōe stated, "I felt really awful." When she got back to her room, John texted her to say he was available to talk with her again, if she wanted to. Jāne Dōe stated she went outside the dorm, and the two of them talked again. According to Jāne Dōe Jōhn, said he lost his virginity at age 16, when he was drunk.

Jāne Dōe stated that Jōhn's demeanor during her two conversations about the events of that night was apologetic. She stated that he was particularly apologetic about the fact that this was how she lost her virginity.

Sexual Assault Complaint

Jāne Dōe stated, "Genevieve realized very quickly that what had happened was legally considered rape." Jāne Dōe said that at first, she "didn't process that." She went to Emmons Health Center on Monday, and made both counseling and medical appointments. She told the counselor, James, what had happened, and he responded, "That sucks a lot." She described James as "awful," in his treatment of her, noting he stated, over and over again, "That sucks," a comment that she found harmful for her to hear. James eventually asked her if she felt safe in Braun, and asked her if she wanted medical attention. Jāne Dōe said that James told her he had to call her parents to inform them she was in counseling.

According to Jāne Dōe James told her if she told the doctor in any detail about what happened, the doctor be required to call LAPD because she was under 17. Jāne Dōe said she did not want to go to LAPD at that point. She said James asked if she wanted to talk to the Survivor Advocate, Nadia. Jāne Dōe said she then met with Nadia, and told Nadia all the details of what had happened with Jōhn. Jāne Dōe said Nadia told her she should go to Santa Monica and get a rape kit.

While Jāne Dōe was still at Emmons, she said she received a text from Jōhn telling her that when she returned to the African Revolutions class, she would be in his small group. Following this text, Jāne Dōe went to see Professor Reddy and told her what had happened with Jōhn. She said they first had a brief discussion, and then met again at 5:00 p.m. when Jāne Dōe told her everything that had occurred. She told Professor Reddy that she had sex with Jōhn, and didn't remember what happened.

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Jane Doe said she did not have any bruises from Saturday night, but had a scratch on her knee from falling while walking around campus. She also had scratches on her back, which were documented with photographs. Jane Doe said that the shirt she was wearing that night draped open in the back, and the scratch marks were where her shirt fell open. Jane Doe said there was no blood or semen in her clothing, but she had also done laundry before she put her clothing from that night in a plastic bag.

She said that Professor Reddy put her in touch with Professor Danielle Dirks. On Tuesday night, Jane Doe said, she met with Professor Dirks for three hours, and told her the entire story. She said that around this time, screen shots were taken of all relevant texts on her phone.

Jane Doe stated she struggled for some time over the question of whether to report what had happened to her. She said she has put a lot of blame on Rose, noting that as freshmen, they received training on being an active bystander in these situations. She said she was angry at him for initially opening the door to his room for her to join John at the dance party, for holding her hair while she vomited, for walking her down the hall to John's room after she vomited, and for not taking action when he walked in as she was having sex with John. She stated, "I still carry anger about that."

Jane Doe stated that she decided to report what had happened when she realized how much it had affect her emotionally, while seeing no reaction" from John. She noted that he attended his classes without difficulty, and she "saw that he wasn't fazed by what had happened at all." [REDACTED]

During this period, Jane Doe stated, she went to see Professor Reddy every day to talk about what had happened, and how she was dealing with it. Jane Doe stated that Babcock also pushed her to realize that she had been sexually assaulted.

Jane Doe stated that she was not going to report the incident as a rape, but she began to have more and more emotional difficulties. She stated she had difficulty concentrating, and would often "zone out" for five or ten minutes at a time. She said she would periodically flash back to the knocking at John's door, as well as other "random bits and pieces" from her memories of that night. She stated she was having nightmares, and intrusive thoughts. She noted that she tried to go to yoga, something which she was usually able to focus on, but found she could not concentrate. She stated, "It honestly scared me."

Jane Doe stated that during this period, she continued to try to remember the events of that night, stating, "That [missing] hour still freaks me." She said she would see people on campus who looked like John, and her "heart would start racing," and

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she would feel very frightened. When she actually saw *John*, she said she felt nauseous for hours. She stated, since the incident with *John*, navigating around corners with right angles "scare[d] the hell out of me [because] I don't know what is around the corner." She said she went for a week and a half without talking to her parents, which was unusual for her.

One week after the events with *John*, *Jane Doe* said she told her mother what had happened. Her mother asked for her permission to tell her father, and he immediately flew to Los Angeles to see her. *Jane Doe* said her mother wanted her to report the incident to LAPD, and she and Prof. Dirks drove to Northeast Division, where she began to tell the desk officer her account. She said the police officer asked her if *John* forced her into his room, and when she said, "No," the officer stated, "Well then, it's not rape." *Jane Doe* stated she broke down in tears when he said this, and decided she did not want to file a police report. *Jane Doe* was later contacted on campus by administration and told that that LAPD were on campus and they needed to talk to her.

Jane Doe stated, "I have spent a lot of sleepless nights on whether I should pursue this or not." She stated that she has learned that 90 percent of rapes are done by repeat offenders. She stated that another reason she decided to report this incident was because, based on what *Jane Doe* was told by Professor. Dirks, *John* fit the profile of other rapists on campus in that he had a high GPA in high school, was his class valedictorian, was on the water polo team, and was "from a good family." She noted that she was also told that [REDACTED] but *Jane Doe* cannot recall who told her this.

Jane Doe stated that after the incident, *John* texted her that he was not going to drink anymore. [REDACTED] She also heard that *John* was [REDACTED] "going on about how much he hates women."

College's Response

Jane Doe stated that Occidental put in place interim measures, including removing *John* from Braun Hall and her study group. However, she noted that Occidental is a small campus. She said, "I did not want to have to feel scared whenever I turn a corner and don't know who is there." She said that she wanted "to be able to walk around at night." She noted that two weeks before our interview with her, she could not sleep all night, and stayed in bed in a "semi-catatonic" state. After that, she said she decided to travel home for a week because she could not function any more. She stated she was missing classes because she only felt safe in her own room.

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Jane Doe stated she did not wish for *John* to continue to attend Occidental, noting that, "It scares me that he still goes out and still goes to party. I don't think anyone should have to go through what I have gone through."

In addition to her criticism of James at Emmons, *Jane Doe's* father was reportedly upset that when James contacted him, he did not give him much information, while at the same time assured him that *Jane Doe* was in a safe environment.

Jane Doe stated that she assumed that Nadia and James made a report to the campus Title IX office. *Jane Doe* said she was most afraid of reporting to LAPD and when James or Nadia talked about that as a possibility, she said, "I really didn't want to go there."

Miscellaneous

When asked for the names of witnesses, *Jane Doe* stated that she had reviewed the potential witnesses with Professor Dirks, and PII should get those names from her.

She noted that she was drunk in the past in high school, but had never drunk as much as she did on September 7 and 8. She stated she had never been so intoxicated that she did not remember what she had done while she drinking. She noted that she is only 5'2" tall, and it did not take much alcohol for her to get drunk. She said that when she drank in high school she was the "baby" of her social group, so others watched over her when she drank and kept her out of trouble.

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MEMORANDUM

PRIVILEGED AND CONFIDENTIAL

ATTORNEY-CLIENT AND

WORK-PRODUCT PRIVILEGED

TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Genevieve Babcock

Genevieve Babcock was interviewed on October 21, 2013, at Occidental College by Cathleen Watkins and Keith Rohman. She is an 18-year-old freshman from Corbett, Oregon. She is *Jane Doe's* roommate and is housed in Braun 320.

Background Information

Babcock said she met *Jane Doe* on August 24, 2013, when freshmen orientation took place.

Events of September 7th and 8th

In Braun 320, after the soccer game

Babcock said she saw *Jane Doe* at three different times over the course of Saturday night and early Sunday morning (September 7-8). According to Babcock, the first time she saw *Jane Doe* that night was in their room at around 9:45 p.m. or 10 p.m., before *Jane Doe* and Angie Peckham went out. Babcock said this was after the soccer game had ended.

Babcock recalled that *Jane Doe* was drinking from a bottle of orange juice that

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held between 12 and 16 ounces of fluid. Babcock said that she did not know the quantity of alcohol that was mixed into *Jane Doe's* orange juice container. She recalled that *Jane Doe* was "pretty lucid" and "was talking and walking normally." Babcock said that she, herself, had not consumed any alcohol at this point in the evening. She said that *Jane Doe* did not discuss her plans and she did not know where *Jane Doe* and Peckham were headed or what they were planning to do.

In the Neighborhood

Babcock said that the second time she saw *Jane Doe* on Saturday night was at about 11:30 to 11:45 p.m. She said that *Jane Doe* was walking with a group of students who were looking for a party in the residential neighborhood adjacent to the north side of campus near Ridgeview Avenue. Babcock was also walking in the same area with a different group of students.

According to Babcock, both she and *Jane Doe* broke off from their respective groups when they saw each and talked for a few minutes. Babcock recalled that, at this point, *Jane Doe* was visibly more intoxicated than she was at 10 p.m. when they were in their dorm room. Babcock said *Jane Doe* was stumbling when she walked and greeted Babcock by saying "hi" in a high-pitched voice, which was different from *Jane Doe's* typical demeanor.

Babcock said that she saw Peckham among the people in *Jane Doe's* group, but she did not know anyone else. Babcock estimated that *Jane Doe* was with six to 12 other people.

Babcock said that she returned to Braun Hall around 11:45 p.m. or midnight and went to her neighbor's room, where she hung out. Later that night, Babcock recalled going downstairs to take a photo of some artwork of a dinosaur made of condoms. She said that the photos showed they were taken at 1:38 a.m.

During the evening, Babcock said she consumed about two alcoholic drinks around 11 p.m. She said that she was sober by 1:30 a.m. when she went to see the dinosaur art.

In Braun 320 around 2:45 a.m.

According to Babcock, the third time she saw *Jane Doe* was early Sunday morning about 2:45 a.m. when she returned to her room and found *Jane Doe* and Peckham there. Babcock described *Jane Doe* as "very incapacitated." Babcock stated that *Jane Doe* did not have a lot of control over her motor skills or her speech. Babcock said *Jane Doe* was slurring her words and "just talking drunk." Babcock said she did not recall anything specific that *Jane Doe* said as *Jane Doe* was only making

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"comments." She said that Jane Doe did not mention John Doe or where she had been that night. Babcock helped Jane Doe into bed and gave her some water, but it dribbled out of her mouth.

According to Babcock, Peckham said that Jane Doe had thrown up earlier. She said that she and Peckham removed Jane Doe's shorts and put her into pajamas. After putting Jane Doe to bed, Babcock told Peckham that she could leave.

Babcock was concerned about Jane Doe's level of intoxication, and checked Jane Doe for alcohol poisoning. She said that she checked Jane Doe's breathing and her skin temperature to see if Jane Doe was cool or clammy. She said that she made sure Jane Doe was lying on her side. Babcock recalled that Jane Doe was conscious and told Babcock that she felt nauseous. Once Jane Doe was settled, however, Babcock said she went down the hall to take a 10-minute shower.

At Stewart-Cleland Hall

Babcock said that when she returned from her shower, Jane Doe was gone. Babcock said she called Jane Doe's phone and eventually a male student answered. Babcock recalled saying, "Where is Jane? Put her on the phone." According to Babcock, the student told her, "She is going at it with some guy." Babcock said the time of the call was 2:45 a.m.

Babcock said she tried asking Jane Doe where she was, but Jane Doe was slurring her speech so badly, Babcock could not understand her. "I was super worried," Babcock said. Babcock eventually ascertained that Jane Doe was at Stewie and she went there to retrieve her. At Stewie, Babcock said she found Jane Doe wearing her pajamas, "sitting on a couch on some guy's lap."

Babcock stated that she tried to help her up, but Jane Doe "buckled under her own weight." When this happened, Babcock said that a male student, Grayson Burden, stepped in to help them. According to Babcock, she and Burden each got on one side of Jane Doe and, together, they carried her back to Braun Hall. "She was not walking on her own," Babcock said. She described the period around 3 a.m., during the walk from Stewie to Braun, as worst point for Jane Doe in terms of mobility, based on the times that Babcock had observed Jane Doe that night.

Babcock said that she did not know Grayson Burdon and that her only interaction with him, either before or since, was when he helped her transport Jane Doe back to Braun Hall around 3 a.m.

Upon getting back to their room, Babcock recalled that Jane Doe wanted to keep using her cell phone, and Babcock "kept taking it away from her." Babcock said

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that she waited for Jane Doe to fall asleep and then checked that Jane Doe was lying on her side. Babcock said that she did not see any signs that would indicate alcohol poisoning.

During the Day and Evening on Sunday

Babcock said she woke up around 10 a.m. She said that Jane Doe was already up and had made contact with Angie Peckham. Babcock recalled that Peckham came to their room, and Peckham and Jane Doe were trying to piece together the events of the previous night. According to Babcock, Jane Doe was confused about what happened and was worried that she did not have a definitive memory of everything.

Babcock described Jane Doe as appearing "tired and haggard" on Sunday, with dark circles around her eyes. She said that Jane Doe also had scratches on her lower back and explained that the shirt Jane Doe wore on Saturday night was open in the back and did not cover the wearer's lower back.

On Sunday evening, Babcock recalled that a student named Aidan [Dougherty], who also lived in Braun Hall, went to their room around 8 p.m. or 9 p.m. Babcock said that she excused herself and left Jane Doe and Dougherty alone. According to Babcock, Dougherty told Jane Doe that she had had sex with John Doe the previous night. Babcock said that, immediately following this conversation with Dougherty, Jane Doe sent Babcock a text to meet her in the quad at 9 p.m. Babcock said that when they met in the quad, Jane Doe told her what Dougherty had said. Jane Doe was upset and crying.

Babcock said that she responded by asking if Jane Doe used birth control and suggested they get Plan B. She said that they asked a student in their dorm who had a car to drive them to CVS Pharmacy, which he did.

According to Babcock, Jane Doe may have talked with John Doe later on Sunday.

Over the Next Few Days

During the next few days, Babcock recalled that Jane Doe was "really doing badly." Babcock described Jane Doe at that time as "depressed, scared, really confused." She said that Jane Doe attended some of her classes, but missed others. Babcock said that Jane Doe was not sleeping well during this period, and that neither was Babcock. Babcock said that this time period was also traumatic for her.

According to Babcock, Jane Doe did not initially make a formal complaint against John, because Jane Doe was "in denial and not really realizing what had

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happened." She said that *Jane Doe* did not want to tell her parents, but Babcock said that she encouraged *Jane Doe* to do so. Babcock recalled that *Jane Doe* talked to Professor Reddy about the events between her and *John*, and *Jane Doe* and Professor Reddy, together, explained what had happened to *Jane Doe's* parents.

Babcock stated that *Jane Doe* was correct to pursue a complaint against *John*. According to Babcock, *Jane Doe* had sex that she did not remember and was intoxicated to the point of having impaired speech and not being able to control her motor skills. Babcock said, "The girl I helped that night was not my roommate in any sense." Babcock also noted the emotional toll that *Jane Doe* experienced following the events with *John*. "It seemed pretty obvious to me that it was a rape," Babcock said.

Contact with *John*

Babcock said that she has never spoken to *John Doe* and they have had no interactions. Babcock recalled that *Jane Doe* told her that *John* was also drunk on the night *Jane Doe* and *John* had sex.

Other Witnesses

Babcock said Maddie DiMarco was their neighbor in Braun Hall and must have seen or heard Babcock bringing *Jane Doe* back to their room.

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CONFIDENTIAL REPORT

TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Maddie DiMarco

Maddie DiMarco was interviewed on October 21, 2013, at Occidental College by Cathleen Watkins and Keith Rohman.

Background

She is an 18-year-old freshman from the Seattle area. Her housing assignment is Braun 319, which is next door to *Jane Doe's* room. DiMarco said she first met *Jane Doe* in their "Revolutions in Africa" class, which is the only class they have together.

Events of September 7th and 8th

In Braun 214

On the night of September 7th, DiMarco said she may have been in the dorm room assigned to Liam Driscoll and Ben Scott (Braun 214).¹ DiMarco said that on the night she is thinking of, *Jane Doe* Angie Peckham and another friend were there with Driscoll and Scott. She said that the group was drinking vodka and had some music on.

She said, "I saw *Jane* drinking. I think we were taking shots." DiMarco said that she did not recall *Jane Doe* taking that many shots and estimated that *Jane Doe* may have had two shots of vodka. DiMarco, who is on the swim team, said that she was in Braun 214 for about 30 minutes before she left to hang out with other members of the

¹ DiMarco was never certain that the events she described in Braun 214 took place on September 7th or on another night.

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swim team. In her recollection, the night that she saw Jane Doe drinking vodka in Braun 214 was the same night as the water polo team's initiation.²

DiMarco said that when she left Jane Doe to join the swimmers, Jane Doe was "a little bit drunk, but still in control of herself. She was buzzed." DiMarco said that John Doe was not present in Braun 214.

Around 2 a.m.

DiMarco said that she saw Genevieve Babcock, Jane Doe's roommate, around 2 a.m. or 3 a.m. on Sunday. She said that Babcock was worried about Jane Doe and was looking for her. According to DiMarco, Babcock said that Jane Doe was "pretty intoxicated" and was "with a guy." Babcock told DiMarco that she did not know the name of the guy who was with Jane Doe.

DiMarco said that her conversation with Babcock took place in the hallway of the third floor of Braun Hall. DiMarco offered to help look for Jane Doe but Babcock said that she could handle it. DiMarco said that she then went into her room.

DiMarco said that a while later, when she left her room to brush her teeth, she saw Jane Doe and Babcock coming back to their room. According to DiMarco, Jane Doe was "pretty intoxicated" and Babcock appeared to be "a little upset with Jane."

DiMarco said that she helped Babcock get Jane Doe into bed. DiMarco recalled that Jane Doe was slurring her words and was stumbling. DiMarco said that Babcock told her that Jane Doe had vomited earlier.

DiMarco recalled that Jane Doe objected to being put into bed and kept trying to get up. According to DiMarco, Jane Doe told them that she wasn't tired and she didn't want to go to bed. DiMarco recalled that Jane Doe was dressed in her street clothes. She also recalled something about Babcock wanting to take Jane Doe's cell phone.

After putting Jane Doe into bed, DiMarco said she and Babcock walked out of the room. In DiMarco's recollection, Babcock told DiMarco that Jane Doe had said that she may have had sex that night. Jane Doe did not tell Babcock who her sexual partner was. DiMarco clarified that she did not recall exactly what was said that night. However, she said that she remembered being surprised because "I just didn't think that [having drunk sex] was something Jane did based on how she appeared."

DiMarco characterized Babcock's reaction to what Jane Doe told her as "surprised and confused." DiMarco said, "I think that Genevieve was a little annoyed at

² Other witnesses have stated that the water polo initiation was on September 7.

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Jane about it." DiMarco recalled Babcock saying, "I can't believe she just did this," in reference to *Jane Doe* getting drunk and possibly having sex.

DiMarco said that her conversation with Babcock ended with DiMarco saying if Babcock needed any further help with *Jane Doe* to knock on her door.

DiMarco stated that she did not recall seeing *Jane Doe* at any other time that night. She said that she, herself, was intoxicated that night, although not in any extreme manner.

Water Polo Initiation

DiMarco said that she and *John* have only had a couple of conversations. She described him as a "pretty normal guy" and said that *John* has not talked to her about the events with *Jane Doe*.

DiMarco said that she heard about the water polo team's initiation. She said that she heard from "a lot of people" that *John* was very intoxicated that night. Specifically, DiMarco said that Carolyn, a member of the swim team, told her that *John* described himself as "pretty far gone."³

DiMarco said that she was with Carolyn at one point late on that Saturday night or early Sunday morning when Carolyn received a text from *John*. According to DiMarco, *John* sent a text saying that he had never been this drunk before. DiMarco said that *John*'s text also said that he was not sure what was going on, or words to that effect. DiMarco estimated that Carolyn received this text message around 12 a.m. or 1 a.m.

DiMarco stated that, at the water polo team's initiation, she heard that a lot of freshmen team members were drunk on beer and hard alcohol.

The Next Few Days

The next day, Sunday, DiMarco said that she talked more to Genevieve Babcock. According to DiMarco, Babcock seemed to have a lot going on emotionally. DiMarco recalled that Babcock shared with her that *Jane Doe* identified *John Doe* as the person she had sex with. DiMarco recalled that Babcock, herself, said that she had stayed in the dorms and had a low-key night.

DiMarco said that word spread among the students about *Jane Doe* and *John*, partly because *Jane Doe* was missing from class. DiMarco said that she has not talked to *Jane Doe* about the events of September 7th and 8th.

³ DiMarco did not think that *John Doe* and Carolyn were related. For clarity in this section, the first names of *John* and Carolyn are used.

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Other Witnesses

DiMarco said that Ben Scott may be someone with information about John's intoxication because he is on the water polo team.

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CONFIDENTIAL REPORT

TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Professor Danielle Dirks

Professor Danielle Dirks was interviewed by Cathleen Watkins and Keith Rohman on October 21, 2013, at Occidental College.

Initial Contacts with *Jane Doe*

Dirks stated that she had her first contact with *Jane Doe* on Monday, September 9, 2013, when she exchanged text messages with *Jane Doe*. Dirks called *Jane Doe* that night to talk about *Jane Doe's* options in dealing with the incident, and to make sure that *Jane Doe* "felt safe and secure on campus." Dirks stated that, during that phone conversation, she used the phrase "rape" to describe the incident, and *Jane Doe* responded, "Oh, I am not calling it rape yet." Dirks stated that in her later conversations with *Jane Doe* she was careful only to use language that reflected *Jane Doe's* understanding of the event.

Dirks stated she told *Jane Doe* that there was a pattern at the College of male students who repeatedly engaged in the practice of having sex with highly intoxicated women. *Jane Doe* told Dirks that the student with whom she had sex was a freshman.

Dirks said she met with *Jane Doe* on September 10th from approximately 10:00 a.m. to 1:00 p.m. at Dirks's office. During that meeting, *Jane Doe* told Dirks her account of the incident, and Dirks took notes. Dirks also made copies of screen shots of text messages that were on *Jane Doe's* cell phone.¹

¹ Dirks provided PII with a 44-page PDF file with a scanned copy of those notes. PII reviewed these notes with Dirks in-person.

Over the next week, Dirks said she continued to stay in touch with *Jane Doe*. At one point, *Jane Doe* contacted Dirks to say she had run into *John Doe* on campus "a couple of times," including on September 11th around 5:00 or 5:30 p.m. *Jane Doe* reportedly said she was "kind of freaking out" about having seen *John*. Dirks said that she was not available to meet with *Jane Doe* so *Jane Doe's* Advisor, Professor Movindri Reddy, met with *Jane Doe*. Dirks stated that she suggested to Reddy that Reddy request an interim suspension of *John*, stating, "I know how jarring it is for me to see him [*John*] on campus, so how it is for *Jane*?" Dirks said she had run into *John* as she came out of another Title IX misconduct hearing.

Dirks said that on Sunday, September 15th, Reddy texted Dirks to say that *Jane Doe's* parents wanted her to go to the police. Dirks was out of town at the time, and Reddy accompanied *Jane Doe* to the Northeast Division of the Los Angeles Police Department. According to Dirks, the police officer who spoke with *Jane Doe* was not sympathetic to her. Dirks said that it was not until several days later that LAPD detectives came to campus to take *Jane Doe's* report and begin a criminal investigation.

Jane Doe's Emotional State

Dirks stated that she has had many conversations with *Jane Doe* since their first meeting during which *Jane Doe* "sounds like she is wreck." Dirks stated that she believed that *Jane Doe* was experiencing Post-Traumatic Stress Disorder (PTSD), noting that neither *Jane Doe* nor *Jane Doe's* roommate, Genevieve Babcock, was sleeping well.² According to Dirks, *Jane Doe* has told her that she was having trouble focusing on her school work, and at one point sat unable to move for 20 minutes on a bench on campus. Dirks said she has had late-night phone conversations with *Jane Doe* and has received emails from *Jane Doe* sent late at night or early in the morning. She observed *Jane Doe* to have a flat affect. Dirks stated that *Jane Doe's* symptoms are like "the dozens of other survivors [of sexual assault] I have met with on campus."

Dirks stated that *Jane Doe* appeared to be "in a strong state of denial" about the events, and told her at one point that she was not yet able to call the incident "rape." The fact that *Jane Doe* learned about the sex from someone else was "really jarring" for *Jane Doe* said Dirks. Dirks noted that *Jane Doe's* reluctance to call what had happened to her "rape" was consistent with other victims of sexual assault whom Dirks has talked to on campus.

² Dirks stated that she understood that Babcock is "doing a lot of work" caring for *Jane Doe*

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Text Messages

Dirks stated that she reviewed the text messages that *John* and *Jane Doe* exchanged sometime after midnight on September 8th and also following the incident. She stated that *John*, by trying to appear nice, "seemed like he was trying to manage" *Jane Doe* with his text messages. Dirks noted that when *Jane Doe* did not show up for the class she and *John* both attended, *John* texted her. Dirks said she believed *John* was doing this because he was wondering if she was going to report him for rape. [REDACTED]

Dirks stated that, based on her experience [REDACTED] *John* was "acting in the same way all these other young men [involved in sexual assaults] have acted" by checking in on *Jane Doe* after the incident, and seeking to manage her (*Jane Doe* by being nice in a manner that Dirks described as "disingenuous." She noted that she has seen other men involved in sexual assaults on campus attempt to "paint themselves as the victim."

Dirks noted that *John*'s texts on the night of the incident were further evidence to her that *John* was attempting to control *Jane Doe*. She noted there were text messages "commanding her to come to his room." She also noted *John*'s use of the phrase "good girl" and other language in the text messages as further indication that he was in control of *Jane Doe* and seeking to dominate her by manipulating her.

Possible Witnesses

Dirks stated that when she interviewed *Jane Doe* she had a lengthy list of people who may have had contact with *Jane Doe* that evening. However, Dirks identified a list of five witnesses whom she believed were key to an investigation: Genevieve Babcock, Angela Peckham, Gavin Rose, Aidan Dougherty, and Jamison Hayward.

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CONFIDENTIAL REPORT

TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: October 28, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Aidan Dougherty

Aidan Dougherty was interviewed by Cathleen Watkins and Barbara Dalton on October 28, 2013.

Background Information

Dougherty is 18 years old. He is a freshman majoring in Physics. Dougherty lives at Braun 208.

Dougherty stated that prior to September 7, 2013, he was only familiar with *Jane Doe* from seeing her in the common room at Braun. Dougherty said he had met *John Doe* once before school started, at an event in Northern California, but did not really know him.

Evening of September 7, 2013

On the evening of September 7, 2013, Dougherty said he was in a friend's room in Braun, playing videogames. At around 11:00 p.m., Dougherty walked past the room shared by *John Doe* and Gavin Rose. According to Dougherty, *John*, Rose, and two women named Riahannon, and Marin were in the dorm room. Dougherty said he stopped in the doorway to chat, and saw that *John* appeared to be intoxicated. Dougherty described *John*'s level of intoxication as a "shit show."

According to Dougherty, *John* was slurring his words, stumbled over the others when he got up, and danced around and generally moved in a way that indicated that he was inebriated. Dougherty estimated that on a 0 to 10 scale, with 10 being inebriated to the point of not being able to function, *John* was "maybe a 7." The others

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present told Dougherty that *John* was drunk. Dougherty said he did not notice any alcohol in the room and did not see *John* consume any alcohol. Dougherty recalled that the others in the room "seemed to be buzzed" but not to *John*'s level. Dougherty said that he, himself, was sober.

Dougherty estimated that he stood in the doorway for about a minute and a half before returning to his friend's room.

Early Morning of September 8, 2013

Dougherty said he left his friend's room at about 2:00 a.m. on Sunday morning, September 8th, and went to the lobby. Dougherty saw Rose with several friends, including Miya and Megan. Rose indicated to Dougherty that *John* and *Jane Doe* were alone in the dorm room Rose and *John* shared, and Rose could not return to the room for that reason.

Dougherty stated that he had attended the sexual assault prevention training during orientation, had heard the presentation on consent and alcohol consumption, and therefore asked Rose if both *John* and *Jane Doe* were "okay." According to Dougherty, Rose responded that *Jane Doe* was intoxicated. Rose told Dougherty that *Jane Doe* had thrown up earlier in the evening and that he (Rose) had held her hair while she vomited. Dougherty said Rose also stated that when *Jane Doe* had seen *John*, she had become excited, said, "Oh, *John*," and had gone into *John*'s and Rose's room. Rose told Dougherty that he left the dorm room at that point.

Dougherty said Rose indicated that *Jane Doe* was "very drunk." When Dougherty expressed concern about *Jane Doe*'s condition, Rose told Dougherty something like "You're free to check." According to Dougherty, Rose gave him the code to the room and a swipe card to open the room door.

Dougherty said he went to the dorm room and found a folded up piece of paper in the area for the swipe card, which he removed. Dougherty stated that he found out later that this was a signal Rose and *John* had worked out to let one another know not to enter the room. According to Dougherty, he punched in the code and used the swipe card to open the room door.

Dougherty stated that inside the room, the lights were off but he could see *John* sitting up in the middle of the bed, naked, holding a pair of shorts over his crotch. Dougherty said he could also see *Jane Doe* in bed, under the covers. According to Dougherty, *John* said, "Yo, get the fuck out." Dougherty said he was "taken aback,"

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and immediately closed the door. He estimated he had stood in the doorway for about 15 seconds.

Dougherty said he stood outside of the *John*'s room for about one or two minutes. *John* came out of the room wearing shorts and a shirt, and went down the hall to the restroom. Dougherty stated he knocked on the door and said, "*Jane*?" He heard *Jane Doe* reply, "Yeah?" Dougherty said he asked if she was okay. *Jane Doe* responded, "Yeah." Dougherty said he asked, "Are you sure?" *Jane Doe* replied, "Yeah. I'm fine." Dougherty said he asked *Jane Doe* a third time if she was okay, and she answered that she was.

Dougherty stated that he asked *Jane Doe* three times if she was okay because, she had answered "kind of unconvincingly." He said that the tone of her voice was "kind of sad." Dougherty said *Jane Doe* responded to him slowly and in a "down way." However, Dougherty stated that after the third time she said she was okay, "I took her word for it."

Dougherty said that Miya and Megan were in the general area of *John*'s room when he opened the door to *John*'s room and when he asked *Jane Doe* how she was doing through the closed door a few minutes later. He said that shortly after this, *John* returned to the room, opened the door, and went inside.

Dougherty said he went upstairs and outside to a seating area, where he found Rose, Miya, and Megan. Dougherty stated that the four of them spoke, and he was "trying to process what was happening." During this conversation, Dougherty said Rose stated that he had also gone in the room, and had seen *John* on top of *Jane Doe*. Dougherty stated that, during this conversation, Rose spoke about him (Rose) and *John* using a piece of paper in the key swipe area of the door as a signal not to enter the room. Dougherty said that he must have removed the paper that would have been a signal to Rose not to enter.

After about 30 minutes, Dougherty said he went back to the second floor of Braun. When Dougherty reached the second floor, he saw *Jane Doe* just going into the stairwell and starting to walk up the stairs. Dougherty had the impression that *Jane Doe* had just left *John*'s and Rose's room, and was going upstairs to her own room. Dougherty said he also saw *John* standing outside of room 206, in front of the door, wearing shorts and no shirt. According to Dougherty, no one said anything.

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Evening of September 8, 2013

Later on September 8th, in the evening, Dougherty sent *Jane Doe* a message, and the two conversed electronically. Dougherty asked *Jane Doe* if she remembered what had happened the night before, and she responded that she did not. Dougherty suggested that they speak in person, and *Jane Doe* agreed, indicating it would be all right for Dougherty to go up to her dorm room.

Dougherty stated he went to *Jane Doe's* dorm room and spoke with her. No one else was present. *Jane Doe* told Dougherty she did not remember much, and was trying to piece together what had happened. Dougherty said he told *Jane Doe* "I think you may have slept with *John*." According to Dougherty, *Jane Doe* took a deep breath and told him, "Yeah, I figure that might've happened." Dougherty described *Jane Doe's* reaction as "when someone expects the worst, and then [the person] hears that was what happened."

Dougherty said *Jane Doe* told him she did not remember much of anything and was not sure what exactly had happened. According to Dougherty, he and *Jane Doe* did not discuss drinking, the details of *Jane Doe's* condition, or details of her interactions with *John*. He described her as appearing "stunned."

Dougherty said he told *Jane Doe* she may have slept with *John* because he "figured no one else would, and I could . . . I figured I can be the someone to tell her, because someone should tell her." Dougherty stated he believed *Jane Doe* did not know whether she had slept with *John*, because when he asked her if she remembered what had happened the night before, she had answered, "No."

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TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Liam Driscoll

Liam Driscoll was interviewed on October 22, 2013, at Occidental College by Cathleen Watkins and Alan Canterbury.

Background

Driscoll is a freshman at Occidental College and he lives in Braun Hall. Driscoll is most recently from the Bay Area. Driscoll's roommate is Ben Scott, a freshman from Los Angeles who plays on the water polo team.

Driscoll stated he remembered the night of September 7 to September 8, (Saturday night to Sunday morning), because it was the night after "Septemberween," and it was the same day as the water polo team's "Initiation Night" ("I-night").

Driscoll said that prior to our interview with him, he had spoken with *Jane Doe* about the events that led to the investigation.

Pre-Gaming in Driscoll's Room

Driscoll said his first contact with *Jane Doe* that night was during the earlier part of the night when there were several students "pre-partying" in Driscoll's room prior to the men's soccer game. Driscoll said there were up to thirteen people in his room over the course of an hour and a half they were in his room. These included Jamison Hayward, Angie Peckham, and *Jane Doe*. Driscoll said that his roommate, Scott, and another friend of *Jane Doe's* Maddie DiMarco, may have also been there. Driscoll said that *Jane Doe* did not arrive until the second half of the pre-party, sometime around 6:30 p.m. Driscoll said that his roommate, Scott, left for the water polo initiation

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sometime around 8:00 p.m.

Driscoll said that during the "pre-gaming" in his room, people mostly drank beer, and nobody was drinking very heavily. "People were pacing themselves," said Driscoll. However, Driscoll said there were some bottles of hard alcohol there. Driscoll thought *Jane Doe* had a mixed drink of vodka and orange juice. Driscoll saw that *Jane Doe* had a half full orange juice bottle she was carrying around with her, and into which she poured vodka. Driscoll said that was all he saw her drink. Driscoll said there was also another group of girls that took shots occasionally but he was not sure if *Jane Doe* took a shot.

Driscoll said that there were more people in his room than he wanted, and the RA had asked him to move his party elsewhere. According to Driscoll, the RA came back a second time and told everyone to leave, but Driscoll was outside on a phone call at the time.

Party in *John Doe*'s Room

Driscoll also recalled seeing *John Doe* that night because there was a party in *John*'s room, which Driscoll visited briefly prior to the soccer game. Driscoll was with Reina, Eva, and a few others, in Quentin's room, next door to *John*'s room. Driscoll said that *John* came over to Quentin's room to get everyone to join the party in *John*'s room, so they all went. Driscoll said there appeared to be a lot of alcohol in *John*'s room, the lights were dim, and the music was very loud. Driscoll said he looked into the room "momentarily."

Driscoll said that *John* had a handle of alcohol in his hand (Driscoll thought it might have been vodka), and there were lots of bottles of hard alcohol around the room - on the desk, on the dresser, or in people's hands. Driscoll said there were various types of alcohol; he saw a bottle of a "cheap college vodka," a smaller bottle of Bacardi Rum, and maybe some other bottles. Driscoll recalled seeing a few beer cans in the room, as well. Some people were drinking red Solo cups with mixed drinks inside.

Driscoll said it was dark inside the room; there were Christmas lights on but the main lights were off. Driscoll said the music was very loud inside the room. Driscoll said there were maybe 16 to 18 people in *John*'s room when he was there, but three people left soon after with him. Driscoll thought that eventually the RA, Stewart, "busted" the party in *John*'s room.

Driscoll said there were no drugs used that night that he was aware of. He said that freshmen do not use a lot of hard drugs, and pot is too obvious to detect so people

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do not usually smoke inside dorms. Driscoll said that he "had a few shots" that night, but that he was good at "pacing" himself and he was also staying more sober because he was looking after his friend, Zane, who was staying with him that night.

However, Driscoll recalled seeing the people in *John*'s room and thinking to himself, "These people are drunk." Driscoll said some people were dancing and looked "wasted." Driscoll described *John* as "exuberant," as if he had been drinking "a good amount." Driscoll said *John* had a handle of some alcohol in his hand and was dancing around the room. Driscoll said *John* had "definitely consumed enough to make him in a more outgoing stage, not sloppy but a shot or two past tipsy."

Driscoll had no other contact with *John* that night.

After the Soccer Game

After he left *John*'s room, Driscoll went to the soccer game. Driscoll placed the time he went to the soccer game around 7:40 p.m. Driscoll estimated this time based on a text message he received that night from Scott, informing him the location of I-night.

Driscoll said that after the soccer game, he and some friends went back to their room and made the "judgment call" of whether to continue drinking and try to find a party. Driscoll said that after the soccer game, the only thing really going on was his roommate, Scott, was participating in the I-night. Driscoll said Scott knew he would be drinking at the I-night, so Scott told Driscoll he would call him later during the night to check in.

Driscoll said he and his friend, Zane, drank some Fireball whisky Driscoll had, and then they decided to try to go out and find a party. Driscoll said it was a "weird night" because there was never a "stationary party" so they spent much of the night walking around looking for a party.

Driscoll said he and his friends went "wandering around the neighborhood" off-campus looking for a party. Driscoll said *Jane Doe* was not with them at this point, but said Peckham might have been. Driscoll thought Riley and DiMarco were with them at this time, also. Driscoll did not see *Jane Doe* during the time he was walking off campus.

Driscoll said everyone was heading towards the girls' water polo house because people had thought I-night was an open party but it was not. Driscoll said they met some people heading back from the girl's water polo house so they joined this new

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group to look for another party. Driscoll said they went by the football house, but it was dark. At that point, Riley and DiMarco suggested they all go back to the Cooler to meet up with Scott.

Driscoll said that at the Cooler, Scott told Driscoll about I-night.¹ According to Driscoll, Scott said that the freshmen water polo players had to finish a lot of beers and a "good amount" of vodka too. Scott told Driscoll that the freshman, a group of only four or five people, had to finish a handle of vodka by themselves. Driscoll said that because of Scott's size, he was able to handle the I-night, and was starting to "come down" when Driscoll met him at the Cooler. Driscoll got the impression that all the players who participated in I-night handled it fine. Driscoll said, "It didn't sound too chaotic or abusive of anyone. Ben didn't make it sound like anyone was really bad or sick or ready to be hospitalized."

Late Night

Driscoll said later that night, he saw Peckham, who came to Driscoll's room with Riley. Peckham told Driscoll that she had just returned to Braun with *Jane Doe* and Hayward who both were "pretty drunk," though Hayward was less drunk than *Jane Doe*. Driscoll asked Peckham whether *Jane Doe* was okay, and Peckham replied that she was. However, Peckham added that she did not enjoy being around people that were so drunk they were "sloppy." Soon after, Driscoll went up to the third floor with some friends for a while and then came back to his room and went to bed.

Aftermath

Driscoll said that a few days later, he heard from Peckham that *Jane Doe* and *John* had sex that night, and that *Jane Doe* did not feel that it was consensual or that she was in the right state of mind.

Driscoll said that prior to that, his roommate, Scott, told him that *John* said he had been "way too drunk" the night of September 7. *John* reportedly told Scott that he was going to "slow down [his drinking]," and "start taking it easier." Driscoll thought *John* had told Scott this before the rumor got out about having sex with *Jane Doe* without her consent. Driscoll also said that prior to the investigation, Peckham told him that *John* said "Hi" to her and *Jane Doe* one day and asked them how they were. Driscoll said Peckham thought it did not seem as if *John* knew he was under investigation.

¹ As a freshman water polo player, *John* participated in I-night, as well.

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[REDACTED]
[REDACTED]
[REDACTED] Driscoll also said that the water polo team and the football team are "singled out" as having a bad reputation, but Driscoll did not think that was fair.

[REDACTED]
[REDACTED]. He said he did not know *Jane Doe* very well, but had talked about *Jane Doe's* drinking with Peckham, who is friends with *Jane Doe*

Driscoll said that Peckham told him that on the night of September 7, *Jane Doe* seemed like she was expecting others to watch out for her when she got too drunk, yet she continued to go to *John's* room and continued to drink a lot. Driscoll said Peckham felt annoyed that *Jane Doe* was expecting people to look after her. Based on Peckham's comments to him, Driscoll said he had the sense that *Jane Doe* had drunk this heavily before. He thought that in the past, *Jane Doe* probably got herself into these situations and then would expect help from others.

[REDACTED]
[REDACTED]
[REDACTED]

Driscoll suggested we speak with the following other witnesses: Gavin (*John's* roommate), and Ben Scott (Driscoll's roommate).

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TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Jamison Hayward

Jamison Hayward was interviewed on October 21, 2013, at Occidental College by Cathleen Watkins and Keith Rohman.

Background

Hayward is an 18-year-old freshman from Palo Alto, California. His dorm assignment is in Stewart-Cleland Hall, Room 131.¹

Early Evening on September 7

Hayward said he was with *Jane Doe* at different times during the night of September 7th and the early morning hours of September 8th. Hayward stated that he participated in "pre-gaming" at Braun Hall on September 7th in advance of the men's soccer game that evening.² He said that he may have "pre-gamed" in Liam Driscoll's room at Braun Hall, where students drank "a lot of hard alcohol," including shots of vodka. He stated that he did not recall *Jane Doe* being part of the pre-game events in Driscoll's room.

Hayward recalled seeing *Jane Doe* at the soccer game. "I am not sure I talked to her at the game," he said, but he remembered seeing her with a group of about 20 students in the stadium.

According to Hayward, the soccer game ended around 9 p.m., and following this he and a "couple of good friends" were preparing to go to an off-campus party. Hayward described being at the Gilman Fountain at the entrance to campus when his

¹ This dorm is referenced throughout the remainder of this summary by its common name, Stewie.

² Pre-gaming is the term students use for consuming alcohol in advance of a school sporting event.

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group learned "that the party was not going down." He said, "That was when I ran into Angie [Angela Peckham], Harry [Harrison Rosenthal], and [Jane Doe] Hayward stated that he separated from his other friends and joined the three students (Angie, Harry and Jane) to walk to Mt. Fiji.³

Hayward recalled the group walking to Braun Hall, where they ran into four female students, who were sitting in front of Braun. He said one of the girls was named Mia. According to Hayward, the four girls decided to join their group and walk up to Mt. Fiji.

Return to Braun Hall

Hayward estimated that they arrived at Braun around 11 p.m. He said that Jane Doe was "definitely drunk." He said, "We were all pretty drunk." According to Hayward, Jane Doe was "not falling over drunk. She could still walk, but we were all saying how drunk we were. I don't remember her falling or tripping." Hayward said, "I didn't notice anything like she was so drunk that we needed to take her to the hospital." He described Jane Doe as being "part of the group," and he did not view her level of intoxication as "out of the ordinary."

According to Hayward, Jane Doe is "more flirtatious" than her typical demeanor when she has been drinking alcohol. [REDACTED]

[REDACTED] He also recalled Jane Doe being flirtatious as the group walked around campus on September 7th, and her walking arm in arm with Rosenthal.

Hayward said that the group was headed to Mt. Fiji to "smoke pot." He said that he was not sure if the group was drinking as they approached Braun Hall, but we "must have had alcohol with us." According to Hayward, when the group got about 50 feet beyond Braun Hall, however, Jane Doe said that she did not want to walk to Mt. Fiji. Hayward recalled that Jane Doe said, "I'm not going. I can't do it."

Hayward said that Jane Doe wanted to turn back before the group reached the lower soccer field. He recalled that Rosenthal continued on to Mt. Fiji with the other girls and that he and Peckham stayed back to "take care of Jane." Hayward recalled that it was Peckham's idea that they should "take care of" Jane Doe. Hayward stated that, based on Peckham's concern, "maybe Jane was more drunk than I remember it."

³ Mt. Fiji is on the eastern portion of the campus, situated above the upper soccer field.

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At this point, Hayward recalled that he, Peckham and *Jane Doe* went into Braun Hall's main entrance and that *Jane Doe* ran ahead of them. He said that he and Peckham did not know where *Jane Doe* was for a brief period, and they began looking for her, including checking her room on the third floor of Braun. He recalled that Peckham was "a little worried" about *Jane Doe's* condition and wanted to find her. Hayward stated that a short time later, they either ran into *Jane Doe* or she called them to say where she was. He said that they reconnected with *Jane Doe* at *John Doe*'s room, Braun 206.

At *John*'s Room

Hayward said that the door to *John*'s room was open, and *Jane Doe* stepped out into the hall and saw him and Peckham. Hayward recalled that the lighting in *John*'s room was very low and that loud, techno music was playing. Hayward said that he saw a bottle of vodka in the room, but he could not recall if the bottle was "a handle or a fifth."⁴ The room did not appear as if a party had taken place there, he said, and *John* and *Jane Doe* were alone in the room. He estimated that the time was around midnight.

According to Hayward, *Jane Doe* and *John* were dancing, and "they were both really drunk." Hayward said that he and Peckham felt "a little uncomfortable" and then they started dancing with each other. Hayward recalled that *John* was talking about the water polo team's initiation, which he participated in earlier that Saturday, and *John* told them he had been drinking since 1 p.m. According to Hayward, *John* was telling them how much alcohol he drank that day as if to say, "That is why I'm acting like I'm so crazy." Hayward described *John* as "loud, obnoxious, kind of pushing everyone, going nuts a little bit." He said that *John* was "very bouncy, very touchy" with him and Peckham. Hayward said that from the way *John* was talking, it was obvious he was drunk.

Hayward recalled that *John* and *Jane Doe* were kissing while they danced and that all four of them were taking swigs of vodka directly from the bottle. According to Hayward, Peckham was "a little worried" because she thought *Jane Doe* was not fully aware of what she was doing, and Peckham said to *Jane Doe* "Hey, let's be going."

At some point, Hayward recalled that *John* took his shirt off and then *Jane Doe* removed her shirt and was wearing her bra. Hayward said that *John* wanted Hayward to remove his shirt, too. Hayward said that he did remove his shirt for a minute, but then put it back on.

⁴ A "handle" of alcohol is a 1.75 liter bottle, while a "fifth" is 750 milliliters.

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According to Hayward, eventually [John] and [Jane Doe] laid down together on [John]'s bed, with [Jane Doe] on top of [John]. When this happened, Hayward recalled that he and Peckham told [Jane Doe] "It's time to go." He recalled that [Jane Doe] was "a little upset and indignant." He described her as "resisting leaving [John]'s room] a little bit, while at the same time, she was aware that we were doing the right thing" by directing her back to her dorm room.

Hayward said that while [Jane Doe] was on top of [John] on the bed, the two of them were "getting really physical." Hayward recalled that [Jane Doe] "was kind of riding on top of [John]". Her hips were moving." Hayward said, "It looked like something was going down." He recalled that [John]'s shirt was off at this point, but he could not recall whether [Jane Doe's] shirt was off or on.

Bringing [Jane Doe] to Her Room

Hayward stated that he and Peckham got a hold of [Jane Doe] with one of them on either side of her, and maneuvered her out of [John]'s room. He said, "[Jane] really couldn't walk that straight." As this was occurring, Hayward recalled [John] saying, "No, don't do it," meaning don't remove [Jane Doe] from his room, but [John] did not grab [Jane Doe], or otherwise physically try to prevent her from leaving. According to Hayward, [John] said that it would "be more fun" if [Jane Doe] stayed with him.

Hayward said that [John] did not exit his room at this point, and he never saw [John] anywhere that night other than inside his own room.

According to Hayward, he and Peckham took [Jane Doe] upstairs to her room on the third floor. He recalled that her roommate was not there. He described [Jane Doe] as "super drunk," at this point and "talking but making no sense." He said that she seemed "incoherent." He did not recall her saying anything about [John]. Hayward said that he and Peckham put [Jane Doe] into bed and closed the door. Hayward estimated that this was about 1 a.m.

He said that Peckham wanted to hang out with friends at Braun, and he wanted to go back to Stewie, so they decided to separate at this point. However, before departing, they agreed not to talk to others about how [Jane Doe] had acted that night and to keep the matter between them.

Hayward recalled that Peckham left, but before he, himself, walked away, [Jane Doe] opened her door and came out of her room. Hayward estimated that [Jane Doe] had only been in her room for about 30 seconds before she opened the door. He said that the next sequence of events is confused in his recollection, but he recalls that [Jane Doe] kissed him on the neck. He said that he did not kiss her in return

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but hugged her. He said that he did not recall if she was speaking coherently at this point. Next, he recalled that she went down the hall to the bathroom.

He said that he could not follow *Jane Doe* into the girls' bathroom, so he "passed out" on the floor near her door for a few minutes. He recalled that a student who lives across the hall from *Jane Doe* together with an R.A., woke him up and asked, "Why are you in our hall?" He said that he did not know the name of this student, but recognized her as a girl who was on the track team. He said that he explained to them that *Jane Doe* was in the bathroom, and they assured him that they would assist her. He said that he felt comfortable that they would look out for *Jane Doe* and that he could return to Stewie.

Hayward said that around 1 a.m., he sent a text message to *Jane Doe* ask if she was okay.⁵ In retrospect, he said he probably sent this while she was in the bathroom.

At Stewie

After leaving Braun Hall, Hayward recalled going to "Stewie Beach" and hanging out there for 15 to 30 minutes before going inside to Stewie's common room.⁶ He said that shortly after he entered the common room, he observed *Jane Doe* come into the common room and sit down on the lap of a male student. Hayward described *Jane Doe* as "Marilyn Monroe-esque," and demonstrated by holding his arms above his head, with his palms facing up. He said that he thought to himself, "Oh, my God." Then, he saw another girl who appeared to be with her, saying "*Jane*, come back."

Hayward said that at the point *Jane Doe* was in the Stewie common room, she was "extremely drunk." He said that she was able to get herself around – to move from point a to point b – but she "was struggling." He described her as "weaving, putting her hands on the couch" for balance.

Hayward said that *Jane Doe* appeared to be even more than drunk than when she was in *John*'s room. He said, "I didn't know it was possible to be more drunk than she was [earlier]." He said, "I kind of assumed that she was doing some other drugs, a little more of a stimulant."

Mid-day Sunday and Subsequent Events

Hayward said that he saw *Jane Doe* on Sunday around 11 a.m. He said that she approached him and apologized, saying, "I'm sorry for putting you in that kind of

⁵ According to text messages that *Jane Doe* provided, she received a text from "Jameson" at 1:04 a.m. on September 8th that said "U ok?"

⁶ The grassy area outside of Stewart-Cleland Hall is commonly referred to as "Stewie Beach."

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situation." Hayward said she looked "like her normal self" at this point on Sunday. Hayward described *Jane Doe's* typical demeanor as "straightforward, academic."

Hayward said that he did not know that *Jane Doe* and *John* had sex that night until he learned this weeks later from LAPD. According to Hayward, two to three weeks after the events of September 7th and 8th, he was off campus having a meal when he was contacted by the college that LAPD wanted to speak with him. He said that he learned later that other students were aware of them having sex, but Hayward said, "I had no idea."

Hayward said that he has not talked to *John* since September 7-8. "*John* is not really in my circle," Hayward said. According to Hayward, based on what *John* told him on September 7th or 8th, *John* was "hammered." Hayward also said that *John* "appeared drunk" that night and was "acting aggressively." In Hayward's view, *John's* judgment was impaired that night, but not to the level that *John* lacked awareness of what he was doing. He added, "I am not sure he [*John*] was aware of how drunk *Jane* was because he [*John*] was so drunk."

Hayward stated, "What I remember about his room that night was that it wasn't a good atmosphere, but it wasn't dangerous or ludicrous."

He said that from what he knew of *Jane Doe* she would not have behaved as she did if she were sober.

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TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Angela Peckham

Angela "Angie" Peckham was interviewed on October 21, 2013, at Occidental College by Cathleen Watkins and Keith Rohman.

Background

Peckham is an 18-year-old freshman from Sacramento. Her dorm assignment is Braun 310. Peckham said that she and *Jane Doe* became good friends when the semester started. She said they got coffee together and sometimes ate meals together.

Drinking After Soccer Match

Peckham said that she went to the soccer match that evening on campus, but she was not with *Jane Doe* during the game. After the match, Peckham recalled going to Braun Hall to one of the dorm rooms on the second floor (the boys' floor) around 10 p.m. She said that this dorm room is where she first encountered *Jane Doe* that night. Peckham said she did not know whose room she and *Jane Doe* were in, and they both ended up there by chance.¹

Peckham estimated that about 10 people were in the room, a combination of males and females. She said that *John Doe* was not present, and neither was Jamison Hayward, nor Harrison.² She said that Liam Driscoll was in this room as some

¹ She stated that she was sure they were not in Liam Driscoll's room.

² Peckham did not know Harrison's last name. However, *Jane Doe* later identified him as Harrison Rosenthal.

point. Peckham recalled that *Jane Doe* was drinking alcohol and appeared to be drinking heavily. Peckham said, "Vodka was going around in straight shots."

Peckham said, while she did not know exactly how much *Jane Doe* drank, "it was definitely more than anyone else." Peckham estimated that *Jane Doe* consumed five shots of vodka. Peckham said that she, herself, drank "maybe two shots" of vodka.

Peckham recalled that after being in this dorm room for a while, she, *Jane Doe* and possibly other girls all returned to their rooms to change their outfits before going out for the evening. She said that she recalled that around this time, *Jane Doe* was carrying with her a small plastic bottle of orange juice mixed with vodka. Peckham estimated the mixture was 75 percent juice to 25 percent vodka.

Walking Off-Campus

Peckham stated that she and *Jane Doe* next went with a large group that planned to walk to a party a little ways off campus, but they learned the party was shut down. She recalled that the group walked the perimeter of the campus. She said they had no contact with campus security.

Peckham described *Jane Doe* as "pretty tipsy" while walking the campus perimeter. She said *Jane Doe* was "silly, but seemed liked she had a pretty good handle on herself." Peckham recalled that *Jane Doe* was "walking fine" and acted as if she knew where the group was going and what they were doing.

Peckham said that after walking around the campus, the group headed back up to Braun Hall. According to Peckham, when *Jane Doe* arrived in front of Braun, she told *Jane Doe* said, "No, I can't walk anymore" and told Peckham and the other that she was too drunk to go further.

Peckham recalled that before the group arrived at Braun Hall, Harrison Rosenthal and Jamison Hayward had joined the group, which now numbered about 20 students. She said that she thought Rosenthal was headed to Mt. Fiji, but this was never her own plan.

Entering Braun

Peckham recalled that she, *Jane Doe* and Hayward separated from the group and went into Braun Hall. Peckham said that *Jane Doe* told them she was going to get something from her room, so Peckham and Hayward waited for her in the common room. When *Jane Doe* did not return promptly, Peckham said that she called *Jane Doe's* phone three times, and *Jane Doe* answered the third call.

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Peckham said that she was tracking Jane Doe because Jane Doe "did not seem like she was in a sober state." "We were trying to make sure she didn't do anything she would regret" because of how intoxicated she was, Peckham said. During freshmen orientation, Peckham said, the freshmen were told they were supposed to watch out for their friends when they were partying. "I know it sounds corny," she said, "but I was trying to be a good person and be there for Jane Doe as much as I could."

According to Peckham, Jane Doe told Peckham that she was in John Doe's room on the second floor and Peckham and Hayward should go there. Peckham estimated that she was separated from Jane Doe for about five minutes and, in this period, Jane Doe had made her way to John's room.

In John's Room

Peckham recalled that she and Hayward went to the second floor and found Jane Doe with John in his room. Peckham described Jane Doe as "a lot sillier, a lot more crazy than she was" previously when they were walking around campus. Peckham noted that, while Jane Doe had seemed intoxicated earlier in the evening, she (Jane Doe) had still seemed able to understand what they were doing and what they were planning to do. In John's room, Jane Doe could not walk well and did not seem to know where she was or what was going to happen next. Peckham said that Jane Doe was "very goofy, and acting "very flirtatious" with John and wanting to dance with him.

Peckham described John's room as dark with music blaring. She said that John had a bottle of alcohol in his room and Jane Doe was drinking straight from it. Peckham recalled trying to take the bottle away from Jane Doe and Jane Doe telling her that she (Jane Doe) was fine and could drink more. Peckham said she did not recall what type of alcohol was in John's room.

Peckham stated that John "seemed like he was already pretty intoxicated." According to Peckham, John had attended the water polo team's initiation for freshmen players earlier that night. Peckham said that she was under the impression that a team's initiation was "a ridiculous time for all the freshmen [team members] to get really intoxicated." She described John's behavior at this point as "very intoxicated and acting somewhat aggressive."

Peckham said that John and Jane Doe were dancing and Jane Doe also continued to drink from the bottle of alcohol. While in John's room, Peckham recalled repeating the cycle of taking the alcohol bottle away from Jane Doe and putting it up on the dresser, but Jane Doe reaching for the bottle again.

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Peckham said that both John and Jane Doe were trying to get her and Hayward to join them in dancing, however, the only reason that she and Hayward were in John's room was to watch Jane Doe because they were worried about how drunk she was.

Peckham said that John and Jane Doe were dancing, kissing and "making out." She recalled that, at different times, John and Jane Doe were standing up and also lying down on John's bed. According to Peckham, Jane Doe was grabbing John and trying to kiss him. Peckham said that John was "somewhat" responsive to Jane Doe but "also seemed pretty indifferent" to Jane Doe's advances. Peckham said she observed that John was "not at all going for her . . . [it was] not like he was grabbing her and pulling her onto the bed."

In Peckham's recollection, John would occasionally turn to her (Peckham) and Hayward and ask, "Why are you guys here? I don't even know you." Peckham said that John "would grab my wrists and try to pull me out of the room, [but] never fully aggressive. I was never really afraid." Peckham said that she was not sure why John was trying to pull her out of his room. "I don't really understand it. It might have been because he didn't know us [she and Hayward] at all, which he didn't," said Peckham.³ "It may not have been because he wanted us to leave so he could have sex with Jane Doe."

Peckham said that the 30-minute period while she and Hayward were in John's room mostly passed with Jane Doe trying to kiss John and dance with him, Jane Doe trying to drink from the bottle of alcohol and Peckham trying to take it away, and John trying to get her and Hayward to leave his room. She said that during the times when Jane Doe and John were kissing on his bed, Jane Doe was sometimes on top of John and John was sometimes on top of Jane Doe.

Peckham said that she never saw John touch Jane Doe's breasts or otherwise touch her in an inappropriate manner. At one point, Peckham said that Jane Doe took off her shirt, but Peckham made Jane Doe put it back on. Peckham stated that John did not say or do anything to prevent her (Peckham) from putting Jane Doe's shirt back on her.

Taking Jane Doe to Her Room

Peckham recalled that, around midnight, John said he had something to do and he left his room. Peckham said that she and Hayward then took Jane Doe to the third floor and put Jane Doe to bed in Room 320, Jane Doe's room. Jane Doe's

³ Peckham and John are both from the Sacramento area. However, Peckham confirmed that she did not know John before attending Occidental College.

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roommate was not there, and Peckham recalled putting blankets over Jane Doe but not undressing her. Peckham said it was her impression that Jane Doe was going to stay in her bed. Peckham said she did not recall any conversation with Jane Doe about her phone or about Jane Doe having sex with John. She said that Jane Doe did not say anything about John while she was being put to bed.

Peckham said that after this, she went back to the second floor to a friend's room. She said that when she separated from Hayward, he was still on the third floor. Peckham stated that she learned, subsequently, that Hayward stood outside of Jane Doe's room for a while.

Around 12:45 a.m., Peckham said that she decided to go to bed, and she encountered Jane Doe coming up the stairs from the second floor. Peckham recalled saying to Jane Doe, "I put you to bed an hour ago," and Jane Doe replying that she was fine and that she was just hanging out. Peckham recalled telling Jane Doe, "Okay, we are going to tuck you into bed."

Peckham said she walked with Jane Doe to Braun 320 again and this time, Genevieve Babcock, Jane Doe's roommate was present. She said that she and Babcock changed Jane Doe into her pajamas and put her into bed for the second time.

Peckham said she went to her own room (310) for a while, but stepped into the hallway later to go to the bathroom to brush her teeth. She said that she saw Babcock, wearing a bathrobe, coming from the main entrance of Braun Hall, leading Jane Doe by the hand. Jane Doe was wearing her pajamas. Peckham recalled saying to Babcock, "What, again?" According to Peckham, Babcock told her, "I took a shower and, when I got back, Jane wasn't there." Babcock explained to Peckham that she called Jane Doe's phone and a student named Danny Stouffer answered and said that Jane Doe was at Stewart-Cleland Hall. Babcock told Peckham that she went to Stewie and got Jane Doe.

The Next Day

The next morning, Peckham recalled waking up around 10 a.m. and seeing a text message from Jane Doe asking that Peckham come to her room to talk. Peckham went to Jane Doe's room, and Jane Doe said, "I think I had sex with John." Peckham said that her first reaction was, "When?" According to Peckham, Jane Doe had looked at her text messages and found a text from John that said, "Come to my room" and another message from Jane Doe to John that said, "Jamison is outside of my room." Peckham said that Jane Doe had also sent a text to John that said, "Do you have a condom?"

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Peckham said she confirmed for Jane Doe that the timing of the text about the condom was right after Peckham had put Jane Doe to bed. Peckham also told Jane Doe that she saw her (Jane Doe) coming up the stairs from the second floor about 45 minutes later.

According to Peckham, Jane Doe said she did not remember the events with John the previous night. Jane Doe also told Peckham that she was not sure she had sex and seemed "pretty scared." Jane Doe stated she regretted the events of the previous night.

When asked if she was aware that Jane Doe had vomited that night, Peckham said that Jane Doe did not say anything to her about vomiting until the following Monday or Tuesday. According to Peckham, Jane Doe was offended that John's roommate, Gavin Rose, had helped her vomit and then took her back to John's room.

Peckham's Assessment of the Events and Subsequent Contact with Jane Doe

In retrospect, Peckham said Jane Doe was "pretty drunk, but pretty persistent" about going to John's room. According to Peckham, Jane Doe's demeanor did not appear as if she knew what was going on, but her text messages and her physically going to John's room seem to indicate that Jane Doe had some idea of where she was, of what was taking place, and of what would happen if she went to John's room.

Peckham described Jane Doe as "horrified" that the incident with John occurred. Following the events of September 7th and 8th, Peckham said she asked Jane Doe once how she was doing and Jane Doe broke down in tears.

Peckham stated, "I think Jane was just as much a part of this as John. I wouldn't say that it is just John coming on to her, or forcing her. She could have said, 'No,' or she could have just not responded to his texts, or just not gone back down to his room."

When asked about other witnesses, Peckham said the only other people who know anything are Babcock and Hayward. Peckham said that, with the exception of about five minutes, she was with Jane Doe continuously from around 10 p.m. until around midnight on September 7th.

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TO: Lauren Carella
Interim Title IX Coordinator
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: October 28, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Gavin Rose

Gavin Rose was interviewed by Cathleen Watkins and Barbara Dalton on October 28, 2013.

Background Information

Gavin Rose is an 18 year old freshman. He is majoring in Diplomacy and World Affairs. Rose lives in Braun 206. He formerly shared that room with *John Doe*. Rose said that he and *Jane Doe* shared a class, but he did not know her outside of the class. According to Rose, *John* was also in the same class.

Evening of September 7, 2013 to Early Morning of September 8, 2013

Rose stated that on the evening of September 7th, at close to 11:00 p.m., he was in his dorm room getting ready to go out when his roommate, *John Doe*, returned to the room. According to Rose, *John* appeared to be intoxicated. Rose said *John* stumbled around, slurred his words, and talked loudly. In short, Rose said, *John* "acted like a drunk person" and "looked like he had been to a party." Rose said that he, himself, was sober and at that point had not yet gone out.

Rose stated that he did not know where exactly *John* had been. He said he was only aware that *John* had gone to a party. Rose did not know what party or where it occurred. Rose said that he had heard about the water polo team's initiation, but he was not sure that was where *John* had been. According to Rose, *John* did not tell him where he had gone or indicate how much alcohol, or what kind of alcohol, he had consumed.

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Rose said that *John* turned on music after returning to the room. The music was loud enough so that someone outside of the room could have heard it. Rose said that he hung out with *John* for roughly an hour, and during which he decided not to go out, so that he could "keep an eye on" *John*. During this period, and throughout the evening and into the next morning, Rose said he did not see *John* consume any alcohol. Around midnight, Rose left the room and went to the third floor to tell his friends he would not be going out with them.

When Rose returned to the second floor and was walking towards his room, he saw *Jane Doe* in the hallway, leaning against the wall. Rose said he asked *Jane Doe* either how she was doing or what she was doing. *Jane Doe* responded that she was going to her room. Rose said he noticed that *Jane Doe's* speech was slurred, and concluded that she had been drinking or was drunk.

According to Rose, *Jane Doe* asked him if there was a party or a "kickback" in his room, and started walking with him down the hall. Rose stated that *Jane Doe* appeared to walk normally and he did not notice her staggering. Rose said he answered, "No. *John* is having a dance party by himself." Rose said *Jane Doe* said, "Oh, *John* 's there?"

Rose stated that as they got to room 206, *Jane Doe* was in front of him, and walked into the room ahead of him. When Rose entered the room, he said he saw *Jane Doe* and *John* "in some sort of embrace." Rose stated that it appeared to him that *Jane Doe* and *John* were hugging, and may have been kissing. He said he decided to leave, and left the room immediately.

Rose said he went back to where his friends were. While he and his friends were "milling around in the hallway," they saw Aidan Dougherty. Rose said he told Dougherty that *John* and *Jane Doe* were in his dorm room and that both were drunk. According to Rose, Dougherty said, "Maybe that isn't a good idea," and went to check on them. When Dougherty returned, he told Rose and his friends that *Jane Doe* had said that she was okay. According to Rose, based on Dougherty's temperament, if *Jane Doe* had not indicated that she was fine, Dougherty would have interceded.

Rose recalled that he left his friends and returned to the second floor of Braun to get his friend Nick, who lives one or two doors down the hall from room 206. Rose stated that he saw *Jane Doe* walking towards him from the direction of his and *John*'s room. Rose said he could not hear music coming from room 206.

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Rose said it appeared that *Jane Doe* was having a hard time walking, and was stumbling. Rose said he could tell that *Jane Doe* was heading towards a trash can in the hall, and he met her there. According to Rose, *Jane Doe* threw up into the trash can. He said that he held her hair back, and suggested that she go into the bathroom, to which she agreed. Rose said he and *Jane Doe* then went into the men's room on the second floor of Braun, where *Jane Doe* threw up some more.

When *Jane Doe* indicated that she felt better, she and Rose left the restroom. Rose said that *Jane Doe* walked back towards room 206, while he went back the way he came, in the opposite direction. Rose stated that he assumed that *Jane Doe* was going back to her room, because she had just thrown up, and, from that, he believed she was "done" for the evening.

Rose stated that he left Braun Hall and met up with his friends, who were on the lower part of the campus. When Rose discovered that he did not have any money or a credit card, he ran back to his dorm room. Rose estimated that at this point, it was about 1:00 a.m. According to Rose, when he opened the door to his dorm room, he saw *John* and *Jane Doe* having sex in *John*'s bed.

Rose said that *Jane Doe* was on her back with her legs spread, while *John* was on his knees between *Jane Doe*'s legs. No covers were on either of them. Rose said he could see that *John* was "fully naked." Rose said he could only see *Jane Doe* from the waist down, and the lower half of her body was naked. Rose said that he could not see *Jane Doe*'s face because *John*'s torso blocked his view. According to Rose, *Jane Doe*'s legs were moving. From this, he said he believed she was conscious. Rose stated that *John* did not appear to be restraining *Jane Doe*.

Rose estimated that he was in the doorway for "a split second," before he quickly closed the door and left. No one said anything during the time Rose was in the doorway.

Rose stated that he and *John* had worked out a system of putting a piece of colored paper in the key swipe if they needed privacy in the room. According to Rose, no paper was in place when he returned to the room to get money. Rose said he was not aware of any paper being in the key swipe on September 7th or 8th, and did not think that anyone else knew of his and *John*'s system.

Rose said that at about 2:45 a.m., *John* sent him a text message saying that he could return to the room.

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Sunday Afternoon, September 8, 2013

Rose stated that on Sunday afternoon, between roughly 2:00 and 3:00 p.m., *Jane Doe* roommate, Genevieve Babcock, asked him to go with her to her and *Jane Doe* dorm room. Rose did so.

Rose said that *Jane Doe* told him she could not remember what had happened the night before, and asked him what had happened. According to Rose, *Jane Doe* asked him, "Did you see me having sex with *John*", because I can't remember if I did or not." Rose said that he told *Jane Doe* "Yes."

Rose said he overheard *Jane Doe* and Babcock discussing a health card and a phone number, and thought from this that perhaps *Jane Doe* was going to file a sexual assault report. Rose said he did not say anything about this to *John*. About a week after his conversation with *Jane Doe* and Babcock, Rose recalled that Babcock told him that *Jane Doe* had filed a sexual assault complaint.

Additional Information

Rose stated that on September 7th and 8th, he did not give his key card or the code to his dorm room door to anyone. He said he was not aware of anyone other than himself walking in on *Jane Doe* and *John* while they were in bed together.

Rose stated that during the time he and *John* were roommates, he had no bad experiences with *John*. Rose described *John* as "really courteous," and said *John* did not seem any more interested in socializing with women than any of the other men at college.

Rose volunteered his view that, based on what he saw, he did not believe a sexual assault had occurred. He said that this was because he had seen *John* and *Jane Doe* in a "voluntary embrace"; because *Jane Doe* did not appear to be resisting *John* while they were having intercourse; and because he believed from seeing her legs moving, *Jane Doe* was conscious while she had intercourse with *John*.

In addition, Rose stated that on the following Monday, September 9, 2013, *Jane Doe* voluntarily sat next to *John* in class. "I thought that was weird after I learned of the complaint," Rose said. "Why sit next to him if he assaulted you?" Rose said that things between *Jane Doe* and *John* appeared to be "normal" on Monday, and it appeared to him that they were getting along.

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Rose noted that he had attended sexual assault prevention training during orientation, and had been told what to do if he witnessed a sexual assault. "This didn't look like one to me," he said.

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TO: Lauren Carella
Interim Title IX Coordinator

FROM: Public Interest Investigations, Inc.

DATE: November 13, 2013

RE: Sexual Misconduct Policy Complaint
PII Case No. 13-4175

SUBJECT: Interview Summary of Chloe Welmond

Chloe Welmond was interviewed on October 24, 2013, at Occidental College by Cathleen Watkins and Nora Rohman.

Background

Welmond is an 18-year-old freshman from Rockville, Maryland. Her dorm assignment is in Stewart-Cleland Hall, Room 244.¹

Welmond met *Jane Doe* during freshmen orientation when they were assigned to the same "O" team, which are small, break-out discussion groups. In the first weeks of the semester, Welmond said that she and *Jane Doe* had dinner together a few times, but more recently their contact has been just saying "Hi" to each other.

Welmond said that she was not aware that *Jane Doe* filed a complaint under the College's Sexual Misconduct Policy.

September 7, 2013

Welmond recalled seeing *Jane Doe* briefly on the night of September 7, 2013. Welmond said that she attended the end of the soccer match, but did not see *Jane Doe* there. However, she recalled seeing *Jane Doe* a few hours later outside of Braun Hall.

Welmond said that she was with Gemma Lurie and Pinkie Young, and they were headed to Mt. Fiji. She recalled seeing *Jane Doe* with Angie Peckham and Jamison

¹ This dorm is referenced throughout the remainder of this summary by its common name, Stewie.

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Hayward, who were also headed to Mt. Fiji. Welmond also said she may have seen Harrison (LNU) and possibly Vivian (LNU) with *Jane Doe's* group, but she was not sure of this.

Welmond observed that *Jane Doe* was not able to walk very well because *Jane Doe* was drunk. Welmond said that Peckham and Hayward were encouraging her to go to Mt. Fiji, telling *Jane Doe* "You're fine. You can do it."

Welmond said that *Jane Doe's* group was "kind of up the road a little bit" from Braun Hall, when *Jane Doe* said she was going to turn back. Welmond estimated that the time was around midnight. Welmond described *Jane Doe* as "stumbling a little bit. I don't think she could have made it to Fiji." She said that *Jane Doe* "looked tired."

Welmond said she does not recall having a conversation with *Jane Doe* or anyone else about what, or how much, alcohol *Jane Doe* had consumed that night. "It was obvious she had been drinking," Welmond said.

According to Welmond, Peckham and Hayward "were conscious and aware" of what was happening and were not as intoxicated as *Jane Doe*

Welmond said that she and *Jane Doe* saw each other and separated from their respective groups. Welmond recalled walking *Jane Doe* to the main entrance of Braun Hall. Welmond stated that an R.A. and another person were at the entrance to Braun. Upon seeing the R.A., *Jane Doe* told Welmond, "I have to act normal" in front of the R.A. Welmond said she could not recall anything about the R.A. and could not provide a physical description of this person, including whether the R.A. was a male or a female.

Welmond said she asked *Jane Doe*, "Do you want me to walk you to your room?" *Jane Doe* declined and told Welmond, "Thank you." Welmond said that she left *Jane Doe* at the door of Braun and then rejoined her friends. Welmond said, "I think [*Jane Doe*] said she was going to go to bed." Welmond said that she did not put *Jane Doe* to bed or go to *Jane Doe's* room.

Welmond estimated that her interaction with *Jane Doe* lasted less than 10 minutes.

Welmond described her own condition as sober.

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