

- arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.<sup>43</sup>

Remedies for the broader student population might include, but are not limited to:

*Counseling and Training*

- offering counseling, health, mental health, or other holistic and comprehensive victim services to all students affected by sexual harassment or sexual violence, and notifying students of campus and community counseling, health, mental health, and other student services;
- designating an individual from the school's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed;
- training the Title IX coordinator and any other employees who are involved in processing, investigating, or resolving complaints of sexual harassment or sexual violence, including providing training on:
  - the school's Title IX responsibilities to address allegations of sexual harassment or violence
  - how to conduct Title IX investigations
  - information on the link between alcohol and drug abuse and sexual harassment or violence and best practices to address that link;
- training all school law enforcement unit personnel on the school's Title IX responsibilities and handling of sexual harassment or violence complaints;
- training all employees who interact with students regularly on recognizing and appropriately addressing allegations of sexual harassment or violence under Title IX; and
- informing students of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by school employees in notifying those authorities.

*Development of Materials and Implementation of Policies and Procedures*

- developing materials on sexual harassment and violence, which should be distributed to students during orientation and upon receipt of complaints, as well as widely posted throughout school buildings and residence halls, and which should include:
  - what constitutes sexual harassment or violence
  - what to do if a student has been the victim of sexual harassment or violence
  - contact information for counseling and victim services on and off school grounds
  - how to file a complaint with the school
  - how to contact the school's Title IX coordinator

<sup>43</sup> For example, if the complainant was disciplined for skipping a class in which the harasser was enrolled, the school should review the incident to determine if the complainant skipped the class to avoid contact with the harasser.

- what the school will do to respond to allegations of sexual harassment or violence, including the interim measures that can be taken
- requiring the Title IX coordinator to communicate regularly with the school's law enforcement unit investigating cases and to provide information to law enforcement unit personnel regarding Title IX requirements;<sup>44</sup>
- requiring the Title IX coordinator to review all evidence in a sexual harassment or sexual violence case brought before the school's disciplinary committee to determine whether the complainant is entitled to a remedy under Title IX that was not available through the disciplinary committee;<sup>45</sup>
- requiring the school to create a committee of students and school officials to identify strategies for ensuring that students:
  - know the school's prohibition against sex discrimination, including sexual harassment and violence
  - recognize sex discrimination, sexual harassment, and sexual violence when they occur
  - understand how and to whom to report any incidents
  - know the connection between alcohol and drug abuse and sexual harassment or violence
  - feel comfortable that school officials will respond promptly and equitably to reports of sexual harassment or violence;
- issuing new policy statements or other steps that clearly communicate that the school does not tolerate sexual harassment and violence and will respond to any incidents and to any student who reports such incidents; and
- revising grievance procedures used to handle sexual harassment and violence complaints to ensure that they are prompt and equitable, as required by Title IX.

*School Investigations and Reports to OCR*

- conducting periodic assessments of student activities to ensure that the practices and behavior of students do not violate the school's policies against sexual harassment and violence;
- investigating whether any other students also may have been subjected to sexual harassment or violence;
- investigating whether school employees with knowledge of allegations of sexual harassment or violence failed to carry out their duties in responding to those allegations;
- conducting, in conjunction with student leaders, a school or campus "climate check" to assess the effectiveness of efforts to ensure that the school is free from sexual harassment and violence, and using the resulting information to inform future proactive steps that will be taken by the school; and

<sup>44</sup> Any personally identifiable information from a student's education record that the Title IX coordinator provides to the school's law enforcement unit is subject to FERPA's nondisclosure requirements.

<sup>45</sup> For example, the disciplinary committee may lack the power to implement changes to the complainant's class schedule or living situation so that he or she does not come in contact with the alleged perpetrator.

Exhibit 55

- submitting to OCR copies of all grievances filed by students alleging sexual harassment or violence, and providing OCR with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals.

### Conclusion

The Department is committed to ensuring that all students feel safe and have the opportunity to benefit fully from their schools' education programs and activities. As part of this commitment, OCR provides technical assistance to assist recipients in achieving voluntary compliance with Title IX.

If you need additional information about Title IX, have questions regarding OCR's policies, or seek technical assistance, please contact the OCR enforcement office that serves your state or territory. The list of offices is available at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. Additional information about addressing sexual violence, including victim resources and information for schools, is available from the U.S. Department of Justice's Office on Violence Against Women (OVW) at <http://www.ovw.usdoj.gov/>.<sup>46</sup>

Thank you for your prompt attention to this matter. I look forward to continuing our work together to ensure that all students have an equal opportunity to learn in a safe and respectful school climate.

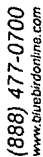
Sincerely,

/s/

Russlynn Ali  
Assistant Secretary for Civil Rights

<sup>46</sup> OVW also administers the Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program. This Federal funding is designed to encourage institutions of higher education to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking. Under this competitive grant program, campuses, in partnership with community-based nonprofit victim advocacy organizations and local criminal justice or civil legal agencies, must adopt protocols and policies to treat these crimes as serious offenses and develop victim service programs and campus policies that ensure victim safety, offender accountability, and the prevention of such crimes. OVW recently released the first solicitation for the Services, Training, Education, and Policies to Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking in Secondary Schools Grant Program. This innovative grant program will support a broad range of activities, including training for school administrators, faculty, and staff; development of policies and procedures for responding to these crimes; holistic and appropriate victim services; development of effective prevention strategies; and collaborations with mentoring organizations to support middle and high school student victims.

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**From:** John Doe  
**Sent:** Wednesday, April 02, 2014 5:44 PM PDT  
**To:** Mark Hathaway  
**Subject:** Fwd: Update on Title IX Complainant

---

----- Forwarded message -----

**From:** Ruth Jones <ruthjones@oxy.edu>  
**Date:** Tue, Apr 1, 2014 at 11:35 AM  
**Subject:** Update on Title IX Complainant  
**To:** John Doe <John@gmail.com>

Dear John

I am writing to inform you that I have secured an external investigator to investigate the Title IX complaint that you filed with my office. The investigator is Larry A. Walraven, of Walraven & Westerfeld. I have provided him with copies of the documents that you provided to me and other case documents. As I stated in a previous e-mail, he may want to interview you as a part of the investigation.

I will keep you informed as we move through the process. Please feel free to contact me if you have any questions.

Ruth

-  
Ruth Jones  
Associate Dean, Title IX Coordinator  
1600 Campus Road  
Los Angeles, CA 90041  
323-259-1338  
[ruthjones@oxy.edu](mailto:ruthjones@oxy.edu)

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001512045

MARK J. WERKSMAN  
MARK M. HATHAWAY\*  
KELLY C. QUINN\*\*  
MELISSA A. WEINBERGER  
NINA DALY

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\*ADMITTED IN CALIFORNIA,  
NEW YORK AND WASHINGTON D.C.

July 8, 2014

VIA FACSIMILE TO (916) 739-7272  
AND EMAIL TO [rjones@pacific.edu](mailto:rjones@pacific.edu)

Ruth M. Jones, Esq.  
Associate Dean, Title IX Coordinator  
Occidental College  
1600 Campus Road, AGCoons Admin Bldg. 108  
Los Angeles, CA 90041

Re: John Doe v. Occidental College, LASC Case No. BS147275

Dear Ms. Jones;

I am writing in response to your June 24, 2014 letter confirming that Occidental College will not formally investigate the report of non-consensual sexual contact that was presented to you as Occidental College's Title IX coordinator on March 13, 2014, based upon the "well-developed record of events" reflected in Occidental College's 183-page investigation report and the related administrative proceedings.

You interviewed John Doe on March 13, 2014 with my consent, however, on April 1, 2014 you wrote directly to John Doe without my consent and advised him that you had secured an "external investigator" to investigate his Title IX complaint. The "external investigator" turned out to be an attorney and former O'Melveny & Meyers partner, Larry A. Walraven. You also told Mr. Doe that you had given attorney Walraven all the case documents and that Mr. Walraven was to interview Mr. Doe yet again in order to "to find facts which will allow me to determine if your complaint may move forward through our process."

Since Mr. Doe and Occidental College are opposing parties in pending litigation, I was concerned about Occidental's attempt to communicate directly with Mr. Doe without my consent. California Rules of Professional Conduct Rule 2-100, Communication With

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Ruth M. Jones, Esq.  
Associate Dean, Title IX Coordinator  
Occidental College  
July 8, 2014  
Page 2

a Represented Party, states that "a member shall not communicate directly or indirectly about the subject of the representation with a party the member knows to be represented by another lawyer in the matter, unless the member has the consent of the other lawyer." See also American Bar Association Model Rules of Professional Conduct, Rule 4.2. Also, it is difficult to imagine what possible additional facts, not already disclosed in the 183-page investigation report, the December 7th hearing transcript, and the appeal and court records, could require Occidental's attorney to interview my client just so you could determine whether his report could move forward through Occidental College's Title IX process.

In order to resolve my concerns, I called Mr. Walraven in response to a letter he sent to me. (See Attachment 1.) Mr. Walraven told me that he had indeed been given all the case documents, including December 7, 2013 hearing transcript, which Occidental College still refuses to give to John Doe in violation of FERPA. Following our conversation I wrote to Mr. Walraven with several questions. In response I received a letter from attorney Jonathan Brenner of Sidley Austin, who represents Occidental College in the pending Superior Court litigation. Mr. Brenner told me that I was to have no further communication with Mr. Walraven, that attorney Walraven would communicate directly with my client, and that I was barred from representing my client during the process. (See Attachment 2.) Under those circumstances, I could not consent to my client being interviewed by Occidental's counsel as a condition of Occidental considering whether to move the student's report forward through Occidental College's Title IX process.

As an attorney, law professor, and former prosecutor yourself, you must acknowledge the double standard in Occidental College engaging attorneys to handle every aspect of the college's Title IX process and yet refusing Occidental students the right and ability to have legal representation during such an important administrative proceeding.

You have been presented with "well-developed record of events" that do not require a further interview by Occidental's counsel just to determine whether Occidental should formally investigate the report. The female student admits returning to John Doe's room in order to have sexual intercourse and admits performing consensual oral sex on John Doe. (See Investigative Report, page 36.) And Occidental found that John Doe was so intoxicated that he could not recall the oral sex or any conversation with the female student that night. (Findings, page 10.) The female student had exactly the same sexual

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Ruth M. Jones, Esq.  
Associate Dean, Title IX Coordinator  
Occidental College  
July 8, 2014  
Page 3

contact with John Doe while he was drunk, yet Occidental College's double standard holds only the male student responsible. ATIXA Executive Director Brett A. Sokolow, J.D. acknowledges that this double standard is gender discrimination under Title IX and that the college got it completely wrong.

Please reconsider your refusal to apply the same standard to students of both genders. Either proceed with similar disciplinary sanctions against the female student or reconsider your disciplinary sanctions against the male student.

Sincerely yours,



MARK M. HATHAWAY

09/15/2015

00639

09/15/2015

April 11, 2014

Via Email

Mark M. Hathaway, Esq.  
Law Offices of Mark J. Werksman  
888 West Sixth Street  
Fourth Floor  
Los Angeles, CA 90017

Re: Doe Jane Doe

Dear Mr. Hathaway:

I am writing in response to the e-mail that you sent to Larry Walraven, the neutral external investigator retained to aid Occidental College in its initial assessment of John Doe complaint against Jane Doe. As you note in your e-mail, the College's Sexual Misconduct Policy prohibits outside attorneys, or family members acting as attorneys, from participating in proceedings under this policy. Nonetheless, in the interest of facilitating the College's process in this case and avoiding any misunderstandings on the Complainant's part, I am addressing below the questions and concerns you raised in your e-mail.

As you know, a complainant or respondent may choose to seek the advice and assistance of an attorney at his/her own expense, but the attorney may not represent students in investigatory interviews, informal resolution proceedings, or Formal Resolution via administrative hearing. In the future, Mr. Walraven will communicate directly with Mr. Doe, and please direct any further communications from your office to my attention.

Occidental's Sexual Misconduct Policy permits complainants and respondents to have an advisor and a support person. The advisor may accompany the student to any College investigative, administrative or adjudicative meeting in which the student participates, including the Formal Resolution hearing. A list of campus community members who have undergone Title IX training and can serve as advisors is available through the Title IX office. Consistent with the College's policy, Mr. Doe may have an advisor accompany him in this initial assessment process.

A complainant and respondent also may choose to be assisted by an support person of their choice. Ordinarily, a support person must be a member of the Occidental community (student,

Mark Hathaway, Esq.

April 11, 2014

Page 2

faculty, staff, or administrator) but in this case, the College permitted Mr. [Doe]'s father to serve as his support person during the phone interview conducted with him on March 13, 2014. Of course, Mr. [Doe]'s father may continue to act in that capacity.

As Mr. [Doe] was advised on March 19, 2014, the College is in the initial assessment stage of the proceeding. As a part of the initial assessment of his complaint, and given that there is a well-developed record of the facts regarding the events involving him and Ms. [Jane Doe], the College will first decide whether Mr. [Doe]'s complaint is a viable one under the terms of the College's policy. To that end, the College engaged a neutral third party investigator, Larry Walraven, to review and gather pertinent information from Mr. [Doe] and/or the existing record to facilitate this initial assessment and determination. To be clear, Mr. Walraven is not counsel to the College, but instead is a third-party neutral investigator. Also, in response to your question, Mr. Walraven will not record his interview of Mr. [Doe], nor will recording be permitted by Mr. [Doe] (or his advisor and/or support person).

As noted, after the College's initial assessment of this complaint is completed, the College will determine if Mr. [Doe]'s complaint may proceed. If the College determines that the complaint may proceed, the next steps may include referring the complaint for further investigation and Formal Resolution.

The College's determination on its initial assessment will be communicated to the Complainant in writing. Depending on the outcome, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College decides to take action that would impact a Respondent, such as protective measures that restrict his/her movement or presence on campus or the initiation of an investigation into a complaint that moves past an initial assessment.

I trust the above has addressed your questions. If this is not the case, please let me know, and if Mr. [Doe] has any questions, he should contact the College's Title IX office.

Very truly yours,

  
Jonathan M. Brenner

JMB:dmm

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09/15/2015



OCCIDENTAL COLLEGE  
1600 CAMPUS ROAD  
LOS ANGELES, CA 90041-331

June 24, 2014

John Doe  
14680 McElroy Road  
Auburn, CA 95602

Dear Mr. Doe,

On March 7, 2014, Occidental College received an e-mail from you requesting to file a formal complaint against student E. E. for violation of the Occidental College Sexual Misconduct Policy. Your complaint was referred to the Title IX Office. This letter outlines the process that was employed to conduct an initial assessment and the result of that assessment.

#### The Process

The complaint that you filed with the Title IX office arose from events that occurred between you and E. E. on the night of September 7, 2013 and the early morning of September 8, 2013. These events were the subject of a complaint filed by E.E. on September 15, 2013. That complaint was adjudicated, you were found responsible for sexual assault and non-consensual sexual contact, and that result was upheld on appeal.

After the resolution of that complaint, you filed your complaint against E.E. In response to your complaint, I sent you an e-mail response outlining the process I would employ to conduct an initial assessment. In that response, I explained that since the events in your complaint had been the subject of a previous investigation, hearing, and appeal, the college would engage a neutral external investigator to review the entire record and interview you to assist me with gathering information that I could employ in the initial assessment of your complaint. Your response to the information that I was going to engage a neutral investigator was that "you looked forward to working with the investigator."

When you were contacted by the investigator, you agreed to an interview with him. That interview was scheduled for April 10, 2014 but on April 9, 2014, you informed the investigator that you wanted to postpone the meeting because of questions that you had about the process. The investigator sent you e-mails on April 16, 2014 and April 23, 2014 to reschedule the meeting. I was informed by the investigator that you failed to respond to those e-mails. On April 29, 2014, I sent you an e-mail informing you that if you did not contact the college by May 6, 2014, I would conclude the initial assessment without your interview.



OCCIDENTAL COLLEGE  
1600 CAMPUS ROAD  
LOS ANGELES, CA 90041-331

Neither the investigator nor I received any further communication from you by May 6 or anytime thereafter. In the absence of your further participation, I completed the initial assessment of your complaint.

Your Complaint is Not Barred by the Occidental Sexual Misconduct Policy

The Occidental Sexual Misconduct Policy does not include a limitations period on the assertion of a complaint under the policy nor does the policy require a Respondent to assert any counterclaim that the Respondent may have arising out of an incident under investigation. Your complaint is not barred by the policy either by a limitations period or for failure to make the claim during the resolution of the complaint arising from the same activities.

The Initial Assessment

The purpose of the initial assessment is to ascertain if the complaint should proceed to a formal investigation<sup>1</sup>.

Based on the reasoning below the complaint will not proceed to a formal investigation.

In your complaint, you make assertions about being incapacitated, lack of consent to sexual conduct, and who was the sexual aggressor during the encounters that are in contradiction to oral and written statements that you made during the hearing and appeal of the E.E. complaint. In addition to the inconsistencies, and while the Policy does not preclude the filing of a complaint after the completion of a process regarding the same events, the timing of your complaint and your failure to cooperate with the investigator are facts that are appropriately considered when determining whether a complaint should be processed by the College and whether a complaint was made in good faith or for another purpose. Your complaint was filed only after the hearing and appeal of the complaint filed by E.E. was adjudicated and a sanction imposed against you. And, while you initially indicated that you were willing to cooperate with the neutral investigator, you subsequently canceled the interview appointment and failed to respond to requests to reschedule the interview.

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<sup>1</sup> The initial assessment is also to ascertain whether there was a risk of harm to individuals or the campus. Since neither the complainant nor E.E. was residing at the College at the time that the complainant filed his complaint, there was no risk to individuals or the community.



OCCIDENTAL COLLEGE  
1600 CAMPUS ROAD  
LOS ANGELES, CA 90041-331

Based on your inconsistent assertions, the timing of your complaint, and your failure to cooperate in the initial assessment process, I have concluded that your complaint against E.E. does not state a violation of the College's Sexual Misconduct Policy and for that reason the College will not process your complaint. I also note that the evidence in support of my decision likewise raises concerns about the good-faith nature of your complaint. Please note that under the policy, no appeal is available from this decision.

Sincerely,

Ruth Jones  
Associate Dean, Title IX Coordinator  
323-259-1358  
ruthjones@oxy.edu

09/15/2015

1 ALEC SCOTT ROSE (#165983)  
2 CERTIFIED CRIMINAL LAW SPECIALIST  
3 STATE BAR OF CALIFORNIA  
4 BOARD OF LEGAL SPECIALIZATION  
5 MIRIAM BILLINGTON (#274439)  
6 2800 - 28<sup>th</sup> Street #305  
7 SANTA MONICA, CA 90405  
8 (310) 877-5398  
9 (866) 381-6839 fax  
10 alec.rose@me.com

11 Attorney for Petitioner, JOHN DOE

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**FILED**  
Superior Court of California  
County of Los Angeles

SEP 09 2014

Sherril R. Carter, Executive Officer/Clerk  
By Jennifer De Luna, Deputy

12 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF LOS ANGELES

14 CENTRAL DISTRICT

15 JOHN DOE, an Individual,

Case No.: BS150532

16 Petitioner,

PETITION FOR WRIT OF ADMINISTRATIVE  
MANDATE; VERIFICATION; EXHIBITS

17 vs.

18 OCCIDENTAL COLLEGE, a Corporation,

19 Respondent.

20 Petitioner petitions this court for a Writ of Mandate pursuant to *California Code of*  
21 *Civil Procedure*<sup>1</sup> Sec. 1094.5 or alternatively, a Writ of Mandate pursuant to Sec. 1085,  
22 directed to Respondent Occidental College, and by this Verified Petition alleges as follows:

23 THE PARTIES

- 24 1. Petitioner JOHN DOE is a third-year student ("Junior") at Occidental College;

25 <sup>1</sup> All statutory references herein are to the *Cal. Code of Civil Procedure (CCP)* unless  
otherwise stated herein.

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CIT/CASEY 07/07 60

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1           2.     On information and belief, Petitioner alleges that Respondent OCCIDENTAL  
2 COLLEGE is a California Corporation, formed April 20, 1987, operating as a private, co-  
3 educational residential academic college, located in the City of Los Angeles, California, in  
4 the County of Los Angeles, California, and is hereafter referred to as "THE COLLEGE";

5           3.     On information and belief, Petitioner alleges that Non-Party, JANE ROE, is a  
6 first year student enrolled at THE COLLEGE, and is the complaining party in an  
7 administrative disciplinary proceeding at THE COLLEGE, which is the underlying  
8 proceeding at issue in this Petition for Writ of Mandate, and is referred to herein as "JANE  
9 ROE";

10           4.     Petitioner uses the pseudonyms of "JOHN DOE" and "JANE ROE" in this  
11 Petition in order to preserve both individuals' privacy in a matter of sensitive and highly  
12 personal nature which outweighs the public's interest in knowing the parties' identities.  
13 Use of the pseudonyms herein does not prejudice Respondent THE COLLEGE, because the  
14 true identities of both Petitioner and JANE ROE are known to THE COLLEGE. (Please see  
15 *Starbucks Corp. v. Superior Court* (2008) 68 Cal. App. 4th 1436, 1452, fn. 7)<sup>2</sup>;  
16  
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19  
20 <sup>2</sup> ("The judicial use of "Doe plaintiffs" to protect legitimate privacy rights has gained wide  
21 currency, particularly given the rapidity and ubiquity of disclosures over the World Wide  
22 Web. (See *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531 [67 Cal.Rptr.3d 330, 169 P.3d  
23 559] [former Boy Scouts sued under pseudonyms based on allegations that city police  
24 officer sexually assaulted them while they were teenagers]; *Johnson v. Superior Court*  
25 (2000) 80 Cal.App.4th 1050, 1072 [95 Cal.Rptr.2d 864] [parents entitled to depose sperm  
donor with family history of kidney disease, but donor's name protected from disclosure to



JURISDICTION AND VENUE

5. The Supreme Court of California, Courts of Appeal, Superior Courts and their judicial officers have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus directed to any inferior tribunal, corporation, board, or person (Cal. Const. art VI, Sec. 10; Sec. 1084 ("mandamus" is synonymous with "mandate"); Sec. 1085;

6. Petitioner, an aggrieved college student, must exhaust judicial remedies through this Petition for Writ of Mandate following his administrative appeal of the findings against him in the underlying administrative disciplinary proceeding, which is now final, before bringing an action for damages and other relief for denial of rights by THE COLLEGE in violation of the Unruh Civil Rights Act, *Cal. Civ. Code* Sec. 52, for Breach of Contract and other torts:

"The doctrine of exhaustion of judicial remedies precludes an action that challenges the result of a quasi-judicial proceeding unless the plaintiff first challenges the decision through a petition for writ of mandamus. (*Johnson v. City of Loma Linda* (2000) 24 **Cal.4th** 61, 70, 99 **Cal. Rptr.2d** 316, 5 P.3d 874.) Administrative mandamus is available for review of "any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence required to be taken, and discretion in the determination of facts is vested in the inferior tribunal, corporation, board or officer...." (*Code Civ.Proc.*, § 1094.5, subd. (a).) [Footnote]

"The remedy of administrative mandamus is not limited to public agencies; rather it applies to private organizations that provide for a formal evidentiary hearing. (*Pomona College v. Superior Court* (1996) 45 **Cal.App.4th** 1716, 1722-1723, 53 **Cal.Rptr.2d** 662 [§ 1094.5 applicable to private universities].) Moreover, failure to exhaust administrative remedies is a proper basis for demurrer. (*Id.* at pp. 1730-1731, 53 **Cal.Rptr.2d** 662.)"

*Gupta v. Stanford University* (2004) **Cal.App.4th** 407, 411

outsiders through an appropriate order "which maintains the confidentiality of John Doe's identity. . . .") Doe designations may be appropriate even where sealing orders are not.

(*H.B. Fuller Co. v. Doe* (2007) 151 **Cal.App.4th** 879 [60 **Cal.Rptr.3d** 501].")

7. The Superior Court of California, for the County of Los Angeles, the County where Respondent's principal operation, THE COLLEGE, is located, and where the underlying disciplinary proceeding was conducted, and where the events alleged to have occurred in that proceeding are alleged to have taken place, is the proper court for the hearing of this action, in accordance with Sec. 395(a). A Petition for Writ of Mandate is to be heard in Departments 82, 85, or 86 of the Superior Court, Central District, per *Local Rule* 2.7(b)(1)(G), 3.5(a)(1).

## PROCEDURAL HISTORY

8. Respondent THE COLLEGE is under scrutiny by the United States Department of Education (referred to hereafter as "THE DOE") and/or other governmental agencies for its alleged failure to respond to sexual violence on THE COLLEGE's campus, in violation of Education Amendments of 1972 to The Higher Education Act of 1965, 20 U.S.C. Sec. 1681 through 1688, (more commonly known as and referred to hereafter as "TITLE IX"), the United States Federal law prohibiting discrimination in educational institutions and programs on the basis of sex, and for violations of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Sec. 1092(f)<sup>3</sup> (more commonly known as and referred to hereafter as "THE CLERY ACT"), which requires all colleges and universities that participate in federal financial aid programs to collect and disclose information about crime on and near the institutions' campuses. THE DOE is responsible for monitoring compliance and can impose fines and penalties on institutions

<sup>3</sup> Implementing regulations for the CLERY ACT are codified in the US Code of Federal Regulations at 34 C.F.R. 668.46.

1 for infractions, including financial penalties up to \$35,000 per violation and suspension  
2 from participation in federal student financial aid programs;

3 9. In its enforcement of TITLE IX, THE DOE issues guidance documents to  
4 educational institutions and school districts. One of these documents, known as the "April  
5 4, 2011 Dear Colleague Letter" (Hereafter referred to as "THE 2011 DCL")<sup>4</sup>. This document  
6 requires institutions that are subject to TITLE IX to offer the parties "an equal opportunity  
7 to present relevant witnesses and other evidence" (See Page 11 of THE 2011 DCL, Exhibit  
8 10)

9 10. In January 2014, the President of the United States<sup>5</sup> put further pressure on  
10 colleges and universities to prevent and police sexual assaults within college communities  
11 by creating a task force of senior officials, including the Attorney General of the United  
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18 <sup>4</sup> The DOE has determined that THE 2011 DCL is a "significant guidance document" under  
19 the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices,  
20 72 Fed. Reg. 3432 (Jan. 25 2007), and its guidance is considered by the DOE in determining  
21 whether or not educational institutions are in compliance with their obligations to  
22 implement TITLE IX.

23 <sup>5</sup> President Obama attended THE COLLEGE from 1979-1981. THE COLLEGE has devoted a  
24 page of its website to commemorating its connection to the President:  
25

<http://www.oxy.edu/our-story/oxy-people/obama-oxy>.

1 States and the Secretaries of the Education, Health and Human Services, and Interior  
2 Departments, to coordinate federal enforcement efforts<sup>6</sup>;

3 11. In April 2013, Drs. Caroline Heldman and Danielle Dirks, both professors at  
4 THE COLLEGE, in association with 36 alleged victims of rape or sexual assault at THE  
5 COLLEGE, filed a lengthy complaint with THE DOE's Office of Civil Rights (referred to  
6 hereafter as "THE OCR"), alleging that THE COLLEGE maintains a hostile environment for  
7 sexual assault victims and their advocates and had violated TITLE IX's proscriptions  
8 against sexual discrimination and had violated THE CLERY ACT<sup>7</sup>;

9 12. In September 2013, THE COLLEGE settled with at least ten of the  
10 complainants in the above-mentioned complaint. The ten complainants received cash  
11 payments from THE COLLEGE and agreed to not participate in the Occidental College  
12 Sexual Assault Coalition. Asst. Professor Danielle Dirks criticized these complainants'  
13 attorney's negotiated settlement, stating that requiring "the women to remain silent and  
14 not to participate in campus activism could have a chilling effect at Occidental."<sup>8</sup>  
15  
16

17  
18 <sup>6</sup> "Obama seeks to raise awareness of rape on campus," *The New York Times*, Jan. 22, 2014,  
19 Jackie Calmes; "Federal task force to target campus sexual assaults," *Los Angeles Times*, Jan.  
20 22, 2014, Jason Felch and Larry Gordon.

21 <sup>7</sup> "Occidental College Sexual Assault Response Subject of Federal Complaints,  
22 [www.huffingtonpost.com](http://www.huffingtonpost.com), Apr. 19, 2013, Updated: Dec. 3, 2013, Tyler KingKade, see also  
23 "USC, Occidental Underreported Sexual Assaults," *L.A. Times*, Oct. 7, 2013, Jason Song and  
24 Jason Felch.

25 <sup>8</sup> "Rape Settlement at Occidental College: Victims Barred from Campus Activism," *The*  
*Nation*, Jon Weiner, Sep. 19, 2013.

1 13. In August 2013, THE COLLEGE implemented a new Sexual Misconduct Policy  
2 (Ex. 1; Ex. 6, Page 1) (hereafter referred to as "THE POLICY") in order to avoid potential  
3 further scrutiny and penalties from THE DOE and further financial settlements for THE  
4 COLLEGE's past indifference to the plight of female students and the college's failure to  
5 address the so-called "rape culture" and "sexual assault epidemic" on campus. The new  
6 misconduct policy inappropriately burdens accused male students in sexual harassment  
7 and assault accusations to prove their innocence and imposes an automatic exclusion from  
8 campus upon being accused, before any investigation or fact-finding takes place;

9 14. THE POLICY was developed with the assistance and recommendations of two  
10 former sex crime prosecutors, Lisa M. Gomez and Gina Maisto Smith, who are attorneys in  
11 Pennsylvania;  
12

13 15. On or about September 27-29, 2013, Petitioner and JANE ROE, who were  
14 then acquaintances, had consensual intimate encounters at two parties on campus and in  
15 Petitioner's dormitory room. On September 27, 2013, the two encountered one another at a  
16 party, danced together and "made out" in full view of other students, including friends of  
17 both of them. On September 28, 2013, the two met again at a different party, danced  
18 together briefly, and then ROE accepted Petitioner's invitation to go to his dormitory room,  
19 where they remained until morning. In the room, they engaged in a variety of intimate  
20 activities, all of which occurred with the consent of ROE. The two parted company on good  
21 terms in the morning;  
22

23 16. Approximately one month after this encounter, Petitioner was directed by  
24 the Dean's office to have no contact with ROE. Petitioner was informed that ROE desired no  
25 further contact with him. He was not informed of any accusation of sexual assault, and no  
26

1 disciplinary proceeding or sanction was initiated. Petitioner heeded the directive, despite  
2 the small community of the COLLEGE. Whenever he saw ROE, he went elsewhere.

3 17. On February 6, 2014, Petitioner was notified by THE COLLEGE that ROE had  
4 accused him of an incident of sexual misconduct on September 28-29, 2013, in violation of  
5 THE COLLEGE's Sexual Misconduct Policy. The letter did not describe the alleged violation,  
6 nor did it specify what provisions of the policy were violated (see Exhibit 2);

7 18. The February 6, 2014 letter informed Petitioner, without providing any  
8 opportunity for him to be heard, that he was immediately suspended, required to vacate his  
9 dormitory the same day, and was not permitted to visit the campus or to attend classes, or  
10 any school related event, "...all privileges extended to you as a student are withdrawn." (See  
11 Exhibit 2);  
12

13 19. Los Angeles Police Department records for the station having jurisdiction  
14 over the COLLEGE's community (Northeast Community Police Station) indicate that ROE  
15 made no complaint to law enforcement concerning her allegations;

16 20. Student health records indicate that ROE sought gynecological services on  
17 October 3 and October 9, 2013, but did not report a sexual assault. She requested a  
18 pregnancy test on October 3, 2013, and she sought a consultation for "vaginal irritation" on  
19 October 9, 2013, and informed the physician's assistant that she had her first sexual  
20 encounter the previous week;  
21

22 21. On April 15, 2014, Public Interest Investigations, Inc. (Hereafter referred to  
23 as "PII"), a licensed investigative firm hired by THE COLLEGE, submitted a 249-page report  
24 on the matter. The firm's report indicated that ROE claimed that Petitioner intentionally led  
25 her to his room via a confusing and circuitous route. PII's investigators examined the

1 COLLEGE's key-card records, which revealed that Petitioner entered the dormitory by the  
2 door closest to his suite, and entered his suite less than a minute later. The investigators  
3 tested multiple routes and determined that this speed was only possible by taking the most  
4 direct route through the building;

5 22. In the room, on the night of September 28, 2014, or morning hours of  
6 September 29, 2014, ROE alleged that they agreed not to have intercourse because she was  
7 a virgin. She was willing to have oral sex. They also touched one another's genitals. During  
8 the oral sex, ROE felt a marijuana candy begin to take effect (she had consumed it before  
9 meeting Petitioner that evening). They performed oral sex on each other. After this, ROE  
10 alleges she got off of the bed to leave, but Petitioner pulled her back onto the bed. She  
11 claims that she felt trapped. She alleges that Petitioner began to "rant" about being an  
12 outsider and hating "white people." ROE is an African American and Petitioner is a South  
13 Asian American;  
14

15 23. ROE alleges that after this discussion, they "made out" again. Petitioner  
16 placed his fingers in her vagina, but at some point, she felt "something harder than his hand  
17 inside me". From this point, she claims that she and Petitioner engaged in a violent struggle  
18 in which she verbally protested, screamed out, was repeatedly grabbed and smothered by  
19 Petitioner, and was both vaginally and anally penetrated against her will. Contrary to these  
20 accusations, Petitioner's suitemates attested that the walls of the suite are very thin, that  
21 the closest suitemate could hear the ROE and Petitioner conversing in the room, and even  
22 asked them to be quieter at one point. In the morning, the suitemates saw Petitioner and  
23 Roe together, and saw no signs of distress;  
24  
25

1 24. Petitioner, when questioned by PII, affirmed that each intimate encounter or  
2 act between himself and ROE was with her consent. He did not furnish her with alcohol or  
3 drugs and did not witness her consume any. She did not ever present to be too intoxicated  
4 to be aware of her actions or to consent to her activities. She was alert, able to converse, to  
5 express herself, and able to walk on her own, dance, and engage in the intimate activities.  
6 Further, Petitioner stated that in his dorm room, he and Roe did not argue. They talked,  
7 they made out, they engaged in consensual oral copulation and mutual fondling. He stated  
8 that ROE told him she was a virgin and he did not attempt vaginal intercourse with her. At  
9 some point, she suggested that they try anal sex. They attempted it, but she expressed  
10 immediate discomfort, so they abandoned that effort. They did not argue after that, but  
11 engaged in further intimacies, and remained in the room together until the morning, when  
12 they parted peacefully;  
13

14 25. On May 12, 2014, Petitioner and ROE participated in an adjudication hearing  
15 at THE COLLEGE concerning this matter, before External Adjudicator Marilou Mirkovich;

16 26. On May 14, 2014, DOE received the external adjudicator's decision, which  
17 found that he had violated the sexual misconduct policy, and that he had engaged in vaginal  
18 and anal penetration of ROE without her consent;  
19

20 27. On May 22, 2014, DOE received a letter from Cherie A. Scricca, Title IX  
21 Hearings Coordinator of THE COLLEGE, which informed him that as a sanction for this  
22 conduct, he was permanently separated (expelled) from THE COLLEGE, with termination of  
23 student status and exclusion from College premises, privileges, and activities, effective  
24 immediately;  
25



1 28. On May 23, 2014, DOE timely submitted an appeal of the external  
2 adjudicator's decision and the imposed sanction;

3 29. On June 23, 2014, Associate Dean of Students, Timothy Chang, issued a  
4 written decision to Cherie Scricca, affirming the external adjudicator's conclusions and the  
5 sanction. Ms. Scricca communicated this letter to DOE in her own letter of the same date;

6 30. THE COLLEGE provides no further procedure to appeal the adjudicator's  
7 conclusion and the sanction herein;

8 31. There was, in fact, no such sexual assault, no non-consensual sexual contact,  
9 and no violation of the COLLEGE's Sexual Misconduct Policy and the findings and sanction  
10 are invalid. All of the intimate contact occurred while ROE was voluntarily participating,  
11 and both students were similarly intoxicated when they performed sexual acts upon and  
12 with each other. Despite having no opportunity to immediately respond to ROE's  
13 accusation, or to suggest an alternative interim arrangement, DOE was removed from  
14 campus without notice, and thereby prejudiced both financially (through the loss of his  
15 tuition and delay of his education) and strategically in this hearing, because he had no  
16 access to the campus to locate potential witnesses or evidence and was subjected to an  
17 immediate stigma to his peers and potential witnesses. DOE has been expelled because he  
18 is male and ROE is not subject to any discipline at all because she is female;  
19

20 32. THE COLLEGE's policy of immediate interim suspension of accused students  
21 without the opportunity to be heard and before any investigation has been conducted  
22 places a prejudicial and unfair burden on the accused, in violation of Title IX, which  
23 requires that both the accused student and the accuser be subject to the same standards of  
24 review and burdens of proof. This immediately violates the burden of proof because the  
25

1 only evidence considered is the accuser's statement, to which the accused student has no  
2 notice and no opportunity to respond prior to being immediately excluded from campus. In  
3 addition to the loss of tuition paid and delay of the student's education, in preparing for  
4 hearing, the accused student is at a disadvantage because he cannot access the campus to  
5 contact potential witnesses, and the stigma of being removed from this small academic  
6 community inhibits potential supporting witnesses from coming forward. Except in a case  
7 between two female students, virtually all accused students in sexual misconduct/Title IX  
8 cases are male;

9 THE COLLEGE'S ACTIONS AND DECISIONS ARE INVALID AND IN VIOLATION OF TITLE IX

10  
11 33. On information and belief, Respondent's actions, sanctions, and decision are  
12 invalid under Sec. 1094.5 and alternatively, Sec. 1085, for the following reasons:

- 13 a. Respondent suspended Petitioner and expelled him from the campus and the  
14 community without any opportunity to be heard;  
15 b. Respondent failed to grant Petitioner a fair hearing;  
16 c. Respondent committed prejudicial abuse of discretion, in that Respondent failed  
17 to proceed in the manner required by law;  
18 d. Respondent's findings, decision, and sanctions are not supported by the  
19 evidence;

20  
21 34. Respondent THE COLLEGE's actions and decision deprive Petitioner of  
22 fundamental vested rights, therefore, the reviewing court must exercise its independent  
23 judgment to re-weigh the evidence, pursuant to Sec. 1094.5(c);

24 35. On information and belief, relevant evidence is available which was  
25 improperly excluded or unavailable at the hearing that is the subject of this Petition.

1 Petitioner reserves the right to seek leave to offer said evidence to this reviewing court at  
2 the hearing on this Petition;

3 36. Petitioner has exhausted all administrative remedies available to him;

4 37. Petitioner has no plain, speedy, and adequate remedy in the ordinary course  
5 of law;

6 38. Petitioner is obligated to pay an attorney for services to prosecute this  
7 action. Petitioner is entitled to recover attorney's fees as provided in Gov. Code Sec. 800 if  
8 Petition prevails herein, on the ground that, on information and belief, Respondent's  
9 decision was the result of arbitrary and capricious conduct;

10 39. Petitioner will suffer irreparable harm if this matter is not stayed pending  
11 judicial review, because he cannot attend THE COLLEGE and he cannot submit his  
12 academic record in a transfer application to another college to continue his studies without  
13 disclosing this sanction, which is certain to prejudice his applications, and even if the court  
14 ultimately rules in his favor, he would have suffered public humiliation, disgrace, and  
15 disruption of his academic career;

16 40. Each of the exhibits identified in the following paragraphs are true and  
17 correct copies of the documents described, however, the attached copies are redacted  
18 where necessary to protect the privacy and educational rights of Petitioner JOHN DOE,  
19 Complainant JANE ROE, and other students who were questioned as witnesses herein;

20 41. A true and correct copy of THE COLLEGE's Sexual Misconduct Policy is  
21 attached as Exhibit 1 and made a part of this petition;

1 42. A true and correct copy of the February 6, 2014 letter from THE COLLEGE to  
2 DOE, "Notification of Complaint, Investigation, and Immediate Interim Suspension" is  
3 attached as Exhibit 2 and made a part of this petition;

4 43. A true and correct copy of Occidental Investigation Report, PII Case No. 14-  
5 4235 is attached as Exhibit 3 and made a part of this petition;

6 44. A true and correct copy of the May 14, 2014 letter from Marilou Mirkovich,  
7 "External Adjudicator's Decision," is attached as Exhibit 4 and made a part of this petition;

8 45. A true and correct copy of the May 22, 2014 letter from Cherie A. Scricca,  
9 Title IX hearings coordinator, is attached as Exhibit 5 and made a part of this petition;

10 46. A true and correct copy of the May 23, 2014 Appeal submitted by DOE is  
11 attached as Exhibit 6 and made a part of this petition;

12 47. A true and correct copy of the appeal of decision and sanction by DOE is  
13 attached as Exhibit 7 and made a part of this petition;

14 48. A true and correct copy of the June 23, 2014 letter from Timothy Chang to  
15 Cherie Scricca, affirming the findings and sanction is attached as Exhibit 8 and made a part  
16 of this petition;

17 49. A true and correct copy of the June 23, 2014 letter from Cherie Scricca,  
18 communicating Associate Dean Timothy Chang's decision on DOE's appeal, is attached as  
19 Exhibit 9 and made a part of this petition;

20 50. A true and correct copy of the April 4 2011 "Dear Colleague Letter" from the  
21 US Dept of Education, Office of Civil Rights, is attached as Exhibit 10 and made a part of this  
22 petition;

23 WHEREFORE, Petitioner prays the court for judgment and relief as follows:  
24  
25

1. For an alternative writ of mandate, directing Respondent to set aside its decision dated May 14, 2014 and May 22, 2014, affirmed on June 23, 2014; or to show cause why a peremptory writ of mandate to the same effect should not be issued;
2. For a peremptory writ of mandate, directing Respondent to set aside its decision dated May 14, 2014 and May 22, 2014, affirmed on June 23, 2014;
3. For a stay of Respondent's administrative finding and sanctions under Sec. 1094.5(g);
4. For reasonable attorney's fees and litigation expenses, in addition to any other relief granted or costs awarded;
5. For all costs of suit incurred in this proceeding; and
6. For such other and further relief as the court deems proper.

LAW OFFICE OF ALEC ROSE

Dated: August 6, 2014

by:

ALEC ROSE

Attorney for Petitioner, JOHN DOE

VERIFICATION

I, JOHN DOE, declare as follows:

I am the Petitioner herein. I have read this Petition, and to my personal knowledge, the same is true, except for matters stated on information and belief, and those matters reflect my true information and belief.

I declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct this 6<sup>th</sup> of August 2014

(redacted)

JOHN DOE, Petitioner and declarant

BS150532 PETITION FOR WRIT OF  
ADMINISTRATIVE MANDATE (DOE v  
OCCIDENTAL)- Page 15

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COMPENDIUM OF NON-LEGAL SOURCE  
MATERIALS CITED IN PETITION

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## POLITICS

# Obama Seeks to Raise Awareness of Rape on Campus

By JACKIE CALMES JAN. 22, 2014

WASHINGTON — President Obama on Wednesday renewed pressure on colleges and universities to prevent and police sexual assaults on their campuses, creating a task force of senior administration officials to coordinate federal enforcement efforts.

Acting a month after he gave the Pentagon a year to show it had cut down on the number of sexual assaults in the military, Mr. Obama summoned cabinet officials and senior advisers to a meeting to review progress more broadly against rape and other sexual attacks throughout society. But the focus was on problems at college campuses.

Later, at a ceremony in the East Room, Mr. Obama signed a memorandum creating the task force, surrounded by senior advisers on his White House Council on Women and Girls. On Wednesday, that council released a rundown of past and prospective administration actions titled "Rape and Sexual Assault: A Renewed Call to Action." The issue is a priority of women's groups, which have been crucial to Mr. Obama's election victories.

Although episodes of sexual assaults in the military have received more attention recently, rape is most common on campuses, the report said. One in five students has been assaulted, it said, but just 12 percent of them report the violence.

Because many attacks occur at parties, victims are often "abused while they're drunk, under the influence of drugs, passed out or otherwise incapacitated," the report said. Assailants are often serial offenders, it added, citing one study that found 7 percent of male students had admitted to committing or attempting rape,

and nearly two-thirds of them said they had done so multiple times — six on average.

Few of them are arrested or prosecuted, the report said, because victims do not report the crimes and because of police “biases” when reports are filed.

Mr. Obama gave his task force 90 days to recommend best practices for colleges to prevent or respond to assaults, and to check that they are complying with existing legal obligations. The task force — which includes the attorney general and the secretaries of the Education, Health and Human Services and Interior Departments — was also asked for proposals to raise awareness of colleges’ records regarding assaults and officials’ responses, and to see that federal agencies get involved when officials do not confront problems on their campuses.

The president said a priority was to find ways to encourage more men to intervene when they see an attack or to report assaults. “I want every young man in America to feel some strong peer pressure in terms of how they are supposed to behave and treat women,” Mr. Obama said.

At his side was Vice President Joseph R. Biden Jr., who 20 years ago won passage of the Violence Against Women Act, which provided federal help for victims, health care professionals and law enforcement. Last year the president signed a reauthorization and an expansion of the law.

“Our daughters, our sisters, our wives, our mothers, our grandmothers have every single right to expect to be free from violence and sexual abuse,” Mr. Biden said. “No matter what she’s wearing, no matter whether she’s in a bar, in a dormitory, in the back seat of a car, on a street, drunk or sober — no man has a right to go beyond the word ‘no.’ And if she can’t consent, it also means no.”

“Men have to take more responsibility; men have to intervene,” he added. “The measure of manhood is willingness to speak up and speak out, and begin to change the culture.”

A version of this article appears in print on January 23, 2014, on page A18 of the New York edition with the headline: Obama Seeks to Raise Awareness of Rape on Campus.

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OXY

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OCCIDENTAL COLLEGE

## Our Story

Admission &amp; Aid

Academics

Life at Oxy

Los Angeles

Oxy Voices

Giving

Go Tigers!

1600 Campus Road  
Los Angeles, California 90041

## Obama at Oxy

Sometimes where you start out is more important than where you end up.

The two years President Barack Obama spent at Oxy from 1979 to 1981 played a major role in determining his future.

"In the development of the person he was to become, Oxy was significant," David Maraniss writes in *Barack Obama: The Story*. "It was a school with a subset of intellectual professors and sophisticated students one and two years ahead of him who steered his interests toward politics and writing...And it was where, in anticipation of that still uncharted journey, he felt the first stirrings of destiny, a sense, he told friends, that he was brought into this world for a purpose."



## "Diverse and inspiring"

"It's a wonderful, small liberal arts college," President Obama says of Oxy. "The professors were diverse and inspiring. I ended up making some lifelong friendships there, and those first two years really helped me grow up." As a freshman from Honolulu, he lived in Room A103 in the Haines Hall annex – a triple he shared with Paul Carpenter '83, a poli sci major from Claremont, and Imad Husain '83, an econ major from Dubai. "We had a really good hallway; there were a lot of interesting folks," says Carpenter.

As an Oxy student, by all accounts, Obama was obviously talented but never in danger of working too hard. Years later, when asked about his favorite college course, Obama unhesitatingly named the politics classes he took with professor Roger Boesche. Yet the sting of B Boesche gave him on a midterm, together with a message that he needed to work harder, still lingers. When his old teacher visited the White House in 2009, Obama "announced to the room that 'Professor Boesche taught me all I know about politics,'" Boesche recalled. "And then he said, laughing, 'But he gave me a B on a paper!'"

## Basketball and politics

A high school basketball player, Obama also was a regular at the lunchtime pick-up games played by students and faculty in Rush Gym. Eric Newhall '67, professor of English and comparative literary studies, also played in those informal but fiercely competitive "noonball" games.

## By the Numbers

## Oxy People

- Oxy in Public Service
- Obama at Oxy

## Our History

100 Years in Eagle Rock

## Traditions

## Diversity

## College Leadership

## Mission

## Strategic Plan

...k Occidental's greatest contribution to American politics lies in  
...ading Barack Obama that his future did not lie in  
basketball," Newhall says.

Oxy was the place where the future president made his first political  
speech on Feb. 18, 1981 as part of a movement to persuade the  
Occidental Board of Trustees to divest the College of its investments in  
South Africa. "I found myself drawn into a larger role [in the divestment  
movement] ... I noticed that people had begun to listen to my  
opinions," Obama recalled. "When we started planning the rally for the  
trustees' meeting, and somebody suggested that I open the thing, I  
quickly agreed. I figured I was ready."

Obama's speech was planned as a carefully rehearsed piece of street  
theater – two white students dressed in paramilitary uniforms dragged  
him off before he could finish to dramatize what often happened to  
South African activists. "They started yanking me off the stage, and I  
was supposed to act like I was trying to break free, except a part of  
me wasn't acting, I really wanted to stay up there ... I had so much left  
to say."

#### Related

- Listen to Obama biographer David Maraniss speak about the  
president during his visit to Occidental

08/19/14 7:19 AM

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## Federal task force to target campus sexual assaults

January 23, 2014 | Jason Felch and Larry Gordon

President Obama launched a federal task force on Wednesday to combat sexual assault on college campuses, telling the estimated one in five women who are victims, "I've got your back."

Flanked by senior members of his Cabinet at the White House, Obama said he expected recommendations from the group within 90 days. He credited an "inspiring wave of student-led activism" that has cast a spotlight on the issue in recent years.

Obama called on men to get involved in the fight and "summon the bravery to stand up."

### FOR THE RECORD:

A front-page article in the Los Angeles Times on Dec. 7, 2013, was incorrect in reporting that Occidental College failed to disclose 27 alleged sexual assaults that occurred in 2012.

The article ("College shelved more assault reports") dealt with Occidental's obligations under the federal Clery Act, which requires schools to publish statistics annually on reported crime on or near campus.

Occidental representatives approached The Times early this month to seek a correction. Documents reviewed by The Times this week show that the 27 incidents did not fall under the law's disclosure requirements for a variety of reasons.

Some were not sexual assaults as defined by the Clery Act. Rather, they involved sexual harassment, inappropriate text messages or other conduct not covered by the act. Other alleged incidents were not reported because they occurred off-campus, beyond the boundaries that Occidental determined were covered by the act. Some occurred in 2011, and the college accounted for them that year.

Subsequent Times articles published Dec. 20 in the LATEXtra section and Jan. 23 in Section A repeated the original error regarding the alleged underreporting of sexual assaults.

The Times regrets the errors in the articles.

### Full Editor's Note

"We've got to keep teaching young men in particular to show women the respect they deserve and to recognize sexual violence and be outraged by it, and to do their part to stop it from happening in the first place," the president said.

The East Room meeting was part of a series of events that the White House has held in the last couple of months to highlight the president's ability to focus attention on specific issues, often by getting groups outside the government to work on them. It's a way of moving forward on policy goals at a time when there's little chance of getting legislation through Congress.

The White House released a report finding that 22 million women and girls in the United States have been sexually assaulted, the majority by men they know.

The report, by the White House Council on Women and Girls, identified college as a particularly risky place for women, noting that campus rapists are often repeat offenders. Obama called on college presidents across the country to do more to prevent the assaults.

Wednesday's announcement was seen as a victory by many college activists, who have organized online in recent years to file federal complaints against administrators.

"Having Obama come forward in such a public way is demanding a public shift," said Alexandra Brodsky, a law student at Yale University who co-filed a Title IX complaint against the school in 2011.

"With one report, one public statement, and the power of his office, President Obama just changed the course of sexual violence on campus," said Caroline Heldman, a politics professor at Occidental College -- Obama's alma mater -- who has helped student activists organize.

"We have a long way to go in this struggle, but campus administrators will no longer be able to drag their feet, retaliate against survivors and enact superficial instead of actual changes," she said.

The presidential spotlight comes amid a significant rise in federal complaints filed by students across the country under Title IX, an anti-discrimination law that requires impartial investigations of assault allegations, and the Clery Act, which mandates accurate reporting of campus crimes.

There were 30 Title IX complaints involving sexual violence in 2013, up from 11 in 2009, according to the Department of Education, which enforces the law.

In California, students have filed federal complaints against USC, Occidental College and UC Berkeley alleging the schools discouraged victims from reporting

their assaults and bungled the investigations required by the anti-discrimination law. Administrators have been focused on protecting their public images than their students, the complaints said.

In September, Occidental came to a monetary settlement with at least 10 women who were part of the federal complaint.

State legislators have proposed new reporting laws for public campuses. In November, state auditors launched a review of four California campuses: San Diego State University, Cal State Chico, UCLA and UC Berkeley. Amid the scrutiny, evidence has mounted that colleges have failed to comply with the federal laws.

Last fall, USC and Occidental acknowledged they had neglected to report dozens of sexual assaults in their annual crime reports in 2010 and 2011.

In December, a Times review found an additional two dozen or more sexual assaults that Occidental failed to report in 2012, a likely violation of the Clery Act.

As Obama spoke, UC Berkeley junior Sofie Karasek was telling a San Francisco meeting of the UC regents about her sexual assault at an off-campus event in 2012.

She said it took eight months for the university to conclude its investigation, and that she was only told that her assailant had violated the conduct code.

"How do you sleep at night, knowing that while you are busy sweeping rape under the rug, your students are being assaulted because of your inaction?" Karasek said during the public comment period. "How would you feel if one of your children or someone you know went through this utterly useless, demeaning process?"

UC President Janet Napolitano told reporters later that "the basic question is, and what each chancellor needs to be sure of is: Are our campuses safe and, if an incident occurs, is the victim taken care of and is the perpetrator identified and punished accordingly?"

Similar stories to Karasek's have surfaced on campuses across the country.

The task force created by the president targets many of those concerns, calling on federal agencies to coordinate their response to the complaints and crack down on schools who fail to comply with federal law.

Obama, the father of two girls, noted parallels with the ongoing controversy over sexual assaults in the military, saying, "sexual violence is more than just a crime against individuals. It threatens our families, it threatens our communities; ultimately, it threatens the entire country."

The White House report also called for changes in how law enforcement handles sexual assault cases.

Only 12% of campus assaults are reported to police, the report noted. When they are, they rarely lead to convictions. Among the reasons: Survivors can be too traumatized to come forward and police and prosecutors can be biased, doubting the credibility of victims or are reluctant to take on the difficult cases, the report said.

The report also called for faster processing of rape kits, which collect evidence that is vital to many prosecutions.

"In order to put an end to this violence, we as a nation must see it for what it is: a crime," the report said. "Not a misunderstanding, not a private matter, not anyone's right or any woman's fault."

jason.felch@latimes.com

larry.gordon@latimes.com

Times staff writer Jason Song contributed to this report.

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August 19, 2014

# Breaking the Silence

Addressing Sexual Assault on Campus



Tyler Kingkade

tyler.kingkade@huffingtonpost.com

## Occidental College Sexual Assault Response Subject Of Federal Complaints

Posted: 04/19/2013 10:11 pm EDT | Updated: 01/23/2014 6:58 pm EST

Female Occidental College students, faculty and alumni say in a federal complaint that the Los Angeles school failed to take campus sex crimes seriously by improperly reporting and adjudicating sexual assaults and covering up rapes.

The 250-page complaint filed by a group of 37 Thursday with the U.S. Department of Education's Office of Civil Rights says the school maintained a hostile environment for sexual assault victims and their advocates and violated federal Title IX laws against sexual discrimination.

Even when the school's investigations have found wrongdoing, punishment has been light, the complaint says. One student found responsible for raping a woman was given the punishment of writing a five-page book report, according to the complaint.

"I've seen some of the outputs of these so-called 'educational sanctions' like book reports and apology letters and they're abysmal," said Danielle Dirks, a sociology professor who specializes in crime and punishment and one of the women who filed the complaint. "The fact that Occidental has invited rapists back to campus and even told survivors not to worry because 'he's reformed now' after these types of inadequate sanctions is an abomination."

Six of the women who signed on to the complaint also retained attorney Gloria Allred. Allred's office did not return emails from The Huffington Post.

The filing follows an April 1 complaint against Occidental under the Clery Act by some of the same women, alleging the school underreports campus sexual assaults, discourages victims from reporting attacks and fails to issue timely crime reports. The college was criticized in February by women who said the campus wasn't notified in a timely manner about sexual assaults.

"Sexual assault on college campuses is a nationwide problem, from which Occidental College (Oxy) regrettably is not exempt," said Jim Tranquada, the college director of communications. "We take this issue very seriously, and will not tolerate sexual misconduct."

"We readily acknowledge that Oxy has more work to do, and are vigilantly ensuring our continual progress," Tranquada said.

The women who filed the complaint have been pushing the college for six years to improve sexual assault policies. Lately, the women have been working in a group called the Occidental's Sexual Assault Coalition trying to spark a movement and posting anonymous rape survivor stories on a website.

Caroline Heldman, who helped write the complaint and chairs the college politics department, said the complaint describes reports from multiple students who say an administrator disparaged the sexual assault coalition to male athletes, saying, "Fuck 'em."

Dirks said that kind of attitude was common. She said when she became vocal about Oxy's sexual violence policies, administrators accused her of "actively seeking to embarrass the college."

Heldman said she's seen more engagement from the administration in addressing the problems "in one hour since filing these complaints than we had in the past six years."

The college has hired Gina M. Smith and Leslie Gomez of Philadelphia-based Pepper Hamilton to conduct a review of the college's sexual violence policies. Smith recently worked with Amherst College and the University of North Carolina-Chapel Hill, institutions that faced similar allegations of mishandling sexual misconduct complaints.

8/19/14, 7:23 AM

Footnote 7, Source 1

— Back to Original Article

## USC, Occidental underreported sexual assaults

*Occidental failed to include 24 reports and USC failed to include 13 reports in figures submitted to the U.S. and could be fined hundreds of thousands of dollars.*

October 07, 2013 | By Jason Song and Jason Felch

Amid federal investigations of their handling of campus sexual assaults, USC and Occidental College have disclosed that they underreported the number of cases in recent years, a potential violation of federal law.

At USC, officials indicated that they had not reported 13 accounts of sexual assaults to federal officials for 2010 and 2011, bringing the total for those years to 39. Occidental acknowledged that it had failed to include 24 reports during that period, bringing the total to 36.

The disclosures could lead to hundreds of thousands of dollars in penalties for each school under the federal Clery Act, the 1990 law that requires schools to report campus crime statistics to the Department of Education.

The law, which stemmed from a 1986 rape and killing on a Pennsylvania campus, is intended to give the public an accurate view of campus safety, and the statistics are consulted by parents, students and others evaluating the campuses. The law covers criminal allegations, regardless of whether they are reported to police or adjudicated in court.

Over the last two years, women at USC, Occidental and college campuses across the country have organized — mostly through social media — to file complaints with the Department of Education alleging that administrators discouraged them from reporting sexual assaults or downplayed the severity of the attacks.

Occidental is now under investigation for violations of the Clery Act. Students at USC have filed a complaint alleging Clery violations that federal investigators have yet to act on. In addition, both schools are under investigation for possible violations of Title IX, a federal antidiscrimination law that requires colleges to impartially investigate sexual assaults.

"If they're fixing them while the complaint is being investigated, it's too late," said Alison Kiss, executive director of the nonprofit Clery Center for Security on Campus, which trains schools on complying with the law.

Federal officials could not be reached for comment because of the partial government shutdown. In the past, they have imposed hundreds of thousands of dollars in fines against individual campuses for violations of the Clery Act. Each violation can draw a penalty of up to \$35,000.

USC and Occidental attributed their restated numbers to the mishandling of cases involving those who reported incidents anonymously. Such cases are subject to federal reporting requirements.

Occidental officials say they discovered 49 anonymous reports of sexual assaults spanning several years in a 2010 survey conducted by Project SAFE, a campus group that seeks to raise awareness about sexual assaults. Nineteen of those incidents should have been disclosed under federal rules, which require the reporting of all sexual assaults on campus or in the immediate vicinity.

"It was a mistake," Occidental spokesman Jim Tranquada said.

The remaining 30 reports of sexual assaults won't be forwarded to federal officials because they occurred off campus or contained incomplete information about where and when they occurred, Tranquada said.

Occidental also had six reports of sexual assaults that should not have been included under federal rules because they occurred off campus, Tranquada said.

At USC, the problem arose because the administration has since 2008 told students, parents and the federal government that crimes that came to light at its student counseling center would be included in official crime statistics. But they were not, the university acknowledged last week.

Campus administrators said they didn't disclose those numbers in an effort to protect the students' confidentiality. They were concerned, they said, that reporting those statistics to the Department of Education could trigger investigations by the Los Angeles Police Department, which might pressure counselors to identify the anonymous victims.

"The intent was to give ... safe haven to the students," said Laura LaCorte, a university compliance officer. "That's the reason they weren't included."

LAPD Deputy Chief Bob Green said those concerns were misplaced.

"I can tell you flat out no, we're not going to do that," Green said. "We're never going to try to compel anybody to make that [crime] report."

At both schools, some students and professors are concerned that numbers will continue to be underreported. Indeed, they say, new policies adopted to address past errors will lead to excluding many accounts of sexual assaults from campus safety reports.

At Occidental, the college has now designated a smaller geographic area in which sexual assaults are reported. Tranquada said the school had been basing its

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## Rape Settlement at Occidental College: Victims Barred from Campus Activism

Jon Wiener on September 19, 2013 - 2:52 PM ET

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Attorney Gloria Allred is shown speaking with students and alumni who allege Occidental College administrators violated federal standards for dealing with their rape, sexual assault or retaliation claims. April 18, 2013 in Los Angeles. (AP Photo/Nick Ut)

Occidental College, the Los Angeles school where thirty-seven students and alumni filed a federal complaint last spring about rape on campus, has quietly settled with at least ten of the complainants. Under the settlement, negotiated by attorney Gloria Allred, the ten received cash payments and are barred from participating in the Occidental Sexual Assault Coalition, the campus group that organized the campaign that has resulted in a federal investigation.

The settlement, reported by the *Los Angeles Times* September 19 on page one, immediately provoked criticism. Danielle Dirks, a criminology professor who has been active in the campaign, told the *Times* that requiring "the women to remain silent and not to participate in campus activism could have a chilling effect at Occidental." "Part of the reason so many women have come forward is because other assault survivors have been able to speak openly about their treatment," Dirks said.

The settlement negotiated by Allred, Dirks said, "effectively erases all of the sexual assaults and the college's wrongdoing."

Allred, asked to comment, said in an email, "Our clients have made a choice to resolve this matter. It is a confidential matter."

Rebecca Solnit, who has written about sexual assault for *TomDispatch* and *Mother Jones*, commented, "If rape is a form of silencing, what is silencing a form of? Rape?"



Under the federal civil rights complaint filed last year, the thirty-seven said the school had "deliberately discouraged victims from reporting sexual assaults, misled students about their rights during campus investigations, retaliated against whistleblowers, and handed down minor punishment to known assailants who in some cases allegedly struck again."

Faculty and staff joined students in criticizing the administration of Oxy president Jonathan Veitch. In May, 135 faculty members and ninety-four administrators and staff members signed a resolution in support of Oxy students regarding sexual assault issues.

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Stories about victims of rape at Oxy have been published in the LA Weekly and Bloomberg News, among other places.

Investigators from the federal Office for Civil Rights are expected to arrive on campus soon. Allred said in her email that the students involved in the settlement "are free to participate and serve as witnesses and discuss the alleged sexual assaults and/or rapes" in the federal investigation, and also "in any campus proceeding and in any legal proceeding and/or in any court of law."

*Chloe Angyal writes about why it is important for survivors of sexual assault to tell their stories.*

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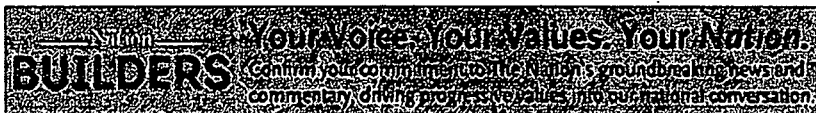
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BJSAlexandria · a year ago

Shame on the Oxy administration and President Joniathan Veitch. Protecting assailants and silencing victims? This is 2013, not 1953. And shame on Gloria Allred for negotiating a settlement that pays women to give up their right to speak out against sexual assault.

5   · Share ·

donna sherman · a year ago

This story sounds a lot like Penn State. Protect the college, ignore the crime.

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darchchris67 · a year ago

What the hell kind of university negotiates a settlement with rape victims which forbids them from joining a group whose mission is, and I quote, "to raise awareness of the sexual assault epidemic, and to advocate for best policies and practices that provide for a safe and equitable student experience at Occidental College."

And to Sean: At many universities and colleges, the local police are more than willing to let the schools handle it, especially if the case may be hard to prosecute, like rape too often is.

3   · Share ·

fightclubdoll · a year ago

These women lose their freedoms of assembly and speech? That's not right. More to the point, it's unjust.

And campus activism is a vital part of higher education. Do we need another Mario Savio to state the case again? ("On the Operation of the Machine")

The administration seems wholly unqualified to hold positions in an institution designed to do and foster exactly the things they're guilty of derailing. Given their horrid behavior over the rapes and their disregard for a healthy campus environment and a secure student body, perhaps it should come as little surprise that the administration deems it fitting to further crush expression on campus. Whereas the needed dialogue and subsequent dealing with the problems on campus could lead to improvements all around, they'd rather impose a rule of silence.

They do, by those choices, mirror the rapists.

2   · Share ·

chil4356 · a year ago

Rape is not a complicated crime by any stretch of the imagination! If a person, whether they be a man or a woman, is forced against their will to engage in a sexual act that is rape! There is nothing complicated at all about that!

Gloria Allred is nothing more than an ambulance chaser and has turned her back on all rape victims, current and even worse, for those women who may be raped in the future!

Institutional silence is probably the single most important factor that has made eliminating rape on college campuses so difficult.

1   · Share ·

donna sherman → chil4356 · a year ago

Of course, rape's definition is definitive. It's the word, 'crime', that changes the prognosis. There are very few criminals on college campuses, yet

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Exhibit 1

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## Occidental College Sexual Misconduct Policy

[www.oxy.edu/sexual-assault-resources-support/policies-procedures](http://www.oxy.edu/sexual-assault-resources-support/policies-procedures)

Members of the college community, guests and visitors have the right to be free from sexual violence.

*Applies to sexual and gender-based harassment, sexual violence, stalking and intimate partner violence*

1. **Introduction: Institutional Values and Community Expectations**  
Sets forth the College's values and expectations for community members
2. **Scope of Policy**  
Outlines the College's jurisdiction to take action
3. **Notice of Non-Discrimination**  
Outlines protected classes and protections under Title IX
4. **Privacy v. Confidentiality**  
Delineates the difference between confidential resources and those that will maintain an individual's privacy
5. **Prohibited Conduct and Definitions**  
Provides specific definitions for sexual harassment and other forms of prohibited conduct, consent, force and incapacitation; also outlines policy on prohibited relationships by persons in authority
6. **Resources**  
Outlines on and off campus resources, including confidential resources
7. **Reporting**  
Provides emergency, campus, anonymous and law enforcement reporting options, timeframes, and provisions for amnesty, retaliation and mandatory reporting of suspected child abuse
8. **Interim Measures, Remedies and Accommodations**  
Sets forth the range of interim protections available
9. **Options for Resolution**  
Provides an overview of how the College will investigate and resolve a report under this policy, including an initial Title IX assessment, informal resolution, and formal resolution.
10. **Appendix A: Resolving Complaints Against a Student**  
Provides specific procedures for resolution of a complaint against a student

### I. Introduction: Institutional Values and Community Expectations

Occidental College is committed to providing a non-discriminatory and harassment-free educational living and working environment for all members of the Occidental community, including students, faculty, administrators, staff, and visitors. This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including sexual violence, sexual assault, stalking and intimate partner violence. Misconduct of this nature is contrary to Occidental's institutional values and prohibited by state and federal law.

Occidental encourages the prompt reporting of any incident of sexual or gender-based misconduct to the College and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report, the College will take prompt and effective action by: providing interim remedies and support for individuals who make a report or seek assistance under this policy (referred to as the "Complainant"); conducting a review of the conduct under Title IX of the Education Amendments of 1972; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal measures or formal disciplinary action against the accused individual (referred to in this policy as the "Respondent"). The policy provides specific procedures for investigation and resolution based on the role of Respondent (student, staff or faculty).

All Occidental community members are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Coordinator or a member of the Title IX team. The College cannot take appropriate action unless an incident of sexual harassment, sexual violence, stalking or intimate partner violence is reported to a "responsible employee" of the College.

All members of the Occidental community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College will not tolerate sexual harassment, sexual violence, stalking and intimate partner violence. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including expulsion or termination of employment.

This policy has been developed to reaffirm Occidental's institutional values, to define community expectations, to provide recourse for those individuals whose rights have been violated, and to provide for fair and equitable procedures for determining when this policy has been violated. The College is committed to fostering a climate free from sexual harassment, sexual violence, and intimate partner violence through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints.

Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is a violation of College policy. Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

The College encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the College expects that all Occidental community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

## II. Scope of Policy

The policy applies to all Occidental community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the College or on College property.

This policy is intended to protect and guide individuals who have been affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports.

When used in this policy, Complainant refers to the individual who identifies him/herself as being a victim or survivor of sexual harassment, sexual violence, stalking or intimate partner violence. A Respondent refers to the individual who has been accused of prohibited conduct under this policy. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

All Occidental College community members are required to follow College policies and local, state, and federal law. This policy applies to conduct occurring on Occidental College property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs. In situations in which both the Complainant and Respondent are members of the Occidental College community, this policy will apply regardless of the location of the incident. In particular, off campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Occidental College community or Occidental College is covered under this policy.

A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will still take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

## III. Notice of Non-Discrimination

The College does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local, or federal law.

This policy addresses all forms of sexual discrimination, including sexual harassment, sexual violence and intimate partner violence. Occidental College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act, and other applicable statutes.

This policy prohibits sexual harassment, sexual violence, stalking and intimate partner violence against Occidental community members of any gender, gender identity, gender expression or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The College, as an educational community, will respond promptly and equitably to reports of sexual harassment, sexual violence, stalking and intimate partner violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

The College has designated Lauren Carella to serve as the College's interim Title IX Coordinator. The Title IX Coordinator oversees the College's centralized review, investigation, and resolution of reports of sexual harassment, sexual violence and intimate partner violence. The Coordinator also oversees the College's overall compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence and intimate partner violence involving students, staff, administrators, faculty, vendors, and visitors;
- Assisted by designated Deputy Title IX Coordinators in athletics, student affairs, human resources, and the faculty, and by a Title IX team as detailed in this policy. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance;
- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;

- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the College, both informally and formally, and in the community;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking or intimate partner violence;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

The Title IX Coordinator is supported by the Title IX team. Members of this interdepartmental team include the Title IX Coordinator, Title IX Deputy Coordinators, and the Chief of Campus Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President for Academic Affairs and Dean of the College and a representative from the Dean of Students Office and/or Human Resources. Composition of the team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this policy.

Inquiries or complaints concerning the application of Title IX may be referred to the College's Title IX Coordinator, Deputy Title IX Coordinators and/or to the U.S. Department of Education's Office for Civil Rights:

Lauren Carella  
Interim Title IX Coordinator

(323) 259-1338  
AGC 108  
lcarella@oxy.edu  
Web: <http://www.oxy.edu/office-title-ix>

Office for Civil Rights  
Beale Street, Suite 7200  
San Francisco, CA

(415) 486-5555  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr50>

Inquiries involving employees may also be referred to:

California Department of Fair Employment  
and Housing

1055 West 7th Street, Ste 1400  
Los Angeles, CA 90017  
(213) 439-6799

United States Equal Employment  
Opportunity Commission

Roybal Federal Building  
255 East Temple St., 4th Floor  
Los Angeles, CA 90012  
1-800-699-4000

#### IV. Privacy vs. Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of sexual harassment, sexual violence, stalking or intimate partner violence. All College employees who are involved in the College's Title IX response, including the Title IX Coordinator, investigators, and hearing panel members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, rape crisis counselors and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. On campus, Confidential Resources available to students include psychological counselors in the Emmons Student Wellness Center, ordained clergy in the Office for Religious & Spiritual Life, and the Survivor Advocate. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with the College or anyone else without express permission of the individual seeking services. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify child protective services and/or local law enforcement.

An individual may also seek assistance from a medical provider. In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). In the context of sexual violence, however, medical providers in California are required to notify law enforcement if a patient tells personnel s/he has experienced sexual assault. The patient has the right to request that a survivor advocate be present and to request that law enforcement not pursue a criminal charge. Neither campus nor community medical providers will notify the College of the report.

**Responsible Employees:** In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about

sexual or gender-based harassment that creates a hostile environment. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered "responsible employees." This may include, for example, faculty, coaches, administrators, Resident Advisors and other student employees with a responsibility for student welfare.

The College requires that all "responsible employees" share a report of misconduct with the Title IX Coordinator or a member of the Title IX team.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant's expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

**Request for Confidentiality:** Where a Complainant requests that his/her name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

**Timely Warning:** If a report of misconduct discloses a serious or continuing threat to the Occidental community, the College may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the College may send campus-wide e-mail notifications on all reported sexual misconduct.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clergy Act.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clergy Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

## V. Prohibited Conduct and Definitions

The College prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person.

Within these broad categories, the College prohibits the following specific conduct:

### A. Sexual Harassment

**Sexual Harassment:** Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a College program or activity; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.



**Sexual harassment:**

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct:
  - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
  - Unwanted sexual advances within the employment context
- Verbal conduct:
  - Making or using derogatory comments, epithets, slurs or humor
  - Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
  - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes
- Visual conduct:
  - Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
  - Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate

- Written conduct: letters, notes or electronic communications containing comments, words, or images described above
- Quid pro quo conduct:
  - Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
  - Offering employment benefits in exchange for sexual favors
  - Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
  - Making or threatening reprisals after a negative response to sexual advances

**B. Other Forms of Prohibited Conduct**

The following forms of conduct fall under the broad definition of sexual harassment, and are specifically prohibited under this policy. The College will treat attempts to commit any prohibited conduct as if those attempts had been completed.

**Sexual Assault:** Having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without effective consent; or
- Where that individual is incapacitated.

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

*This definition tracks the FBI's Uniform Crime Report definition of rape: "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." Under many state laws, including California, however, rape definitions differ in that they require proof of an element of force or threat of force. Our definition incorporates both.*

**Non-Consensual Sexual Contact:** Having sexual contact with another individual:

- By force or threat of force;
- Without effective consent; or
- Where that individual is incapacitated.

*Sexual contact* includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

**Sexual Exploitation:** Occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge;
- sexually-based stalking and/or bullying; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Harm to Others:** Words or types of conduct that threaten or endanger the health or safety of any person including physical abuse, verbal abuse, threats, intimidation and/or harassment. This behavior is typically treated as a violation of Occidental's Code of Student Conduct. Acts which constitute harm to others that are a form of intimate partner violence, or are based on sex or gender, will be resolved under the Sexual Harassment and Assault Policy.

**Stalking:** A course of physical or verbal conduct directed at another individual that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

**Retaliation:** Acts or attempts to retaliate or seek retribution against the Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

### C. Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

**Consent:** Under California law, consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The following are essential elements of effective consent:

**Informed and reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

**Freely and actively given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

**Mutually understandable:** Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

**Not indefinite:** Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed "no" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

**Not unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the state of California, consent cannot be given by minors under the age of 18, except where the parties are within three years of age of one another. Under no circumstances may an adult over the age of 21 engage in sexual activity with a minor under the age of 16.

**Force:** Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

**Coercion:** Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against his/her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

**Incapacitation:** Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because s/he lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if s/he is asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known, that the Complainant was incapacitated.

**Alcohol and Other Drugs:** In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking or intimate partner violence and does not diminish one's responsibility to obtain consent.

## D. Intimate Partner Violence

Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the Respondent. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

The College will not tolerate intimate partner violence of any form. For the purposes of this policy, the College does not define intimate partner violence as a distinct form of misconduct. Rather, the College recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

Under Clery and the Campus SaVE Act, the College will record and report all relevant incidents of intimate partner violence.

## E. Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other College employees. Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under his/her direct supervision.

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with his/her employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to his/her own supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the College.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

## VI. Resources

The College is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the College. Interim remedies are also available to all parties (see Section IX).

The College recognizes that deciding whether or not to make a report, either to the College or law enforcement, and choosing how to proceed can be difficult decisions. Making a report means telling someone in authority what happened, in person, by telephone, in writing or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private, but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this policy. For more information about the difference between privacy and confidentiality, see Section IV.

## A. Confidential Resources

The College encourages all community members to make a prompt report of any incident of sexual harassment, sexual violence, stalking or intimate partner violence to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several legally-protected confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission.

### On Campus Confidential Resources:

- **Sexual Assault Survivor Advocate and Project SAFE Coordinator**  
**Naddia Palacios**  
Accessible 24 hours a day to provide highly confidential crisis support and resource options to students who experience sexual assault of any kind. Support includes, but is not limited to advising, case management and accompanying survivors to rape treatment centers or medical services. As the Project SAFE Coordinator, conducts comprehensive outreach and educational programming.  
(323) 259-1359  
npalacios@oxy.edu
- **Oxy Assault & Advocacy Response Team (OAART)**  
Provides a comprehensive support system to sexual assault survivors that includes advocacy, counseling, and medical services, as well as information about and linkage to forensic exams, legal support, and housing and academic accommodations. Team members include Naddia Palacios (Survivor Advocate), Jenny Heetderks (Emmons psychologist), and Bobbi Dacus (Emmons nurse practitioner).
- **Emmons Student Wellness Center**  
Provides confidential psychological counseling services. As detailed below, Emmons also provides medical treatment, but under California law medical providers are required to notify law enforcement when they receive a report of sexual assault.  
(323) 259-2657
- **Office for Religious & Spiritual Life**  
Provides spiritual guidance and in the context of ordained clergy, confidential support.  
(323) 259-2621
- **Employee Assistance Program**  
Provides confidential telephone consultation or face-to-face meeting with a master's level consultant; also provides educational materials through an online library of downloadable materials and interactive tools.  
(800) 854-1446, English  
(877) 858-2147, Spanish  
[www.lifebalance.net](http://www.lifebalance.net) (User ID and password: lifebalance)

#### Off Campus Confidential Resources:

- **LA Rape and Battering Hotline**  
Peace Over Violence  
A confidential 24-hour crisis line.  
(213) 626-3393
- **Peace Over Violence**  
Provides comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.  
(310) 319-4000 Ext. 3
- **Rape, Abuse and Incest National Network (RAINN)**  
A confidential, anonymous national sexual assault hotline.  
1-(800) 656-4673
- **Santa Monica Rape Treatment Center**  
24-hour emergency medical care and forensic services  
(310) 319-4000
- **San Gabriel Valley Medical Center**  
438 West Las Tunas Dr  
San Gabriel, CA 91776  
(626) 289-5454

#### B. Confidential\* Medical Resources

\*In California, medical providers (but not psychological counselors) are mandated by state law to notify law enforcement if a patient tells personnel s/he has experienced sexual assault. However, the patient has the right to request that a survivor advocate be present when s/he speaks with law enforcement and to request that law enforcement not pursue a criminal charge at that time. Beyond this notification, however, the disclosure of private information contained in medical records is protected by HIPAA. Further, community medical providers will not notify the College.

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

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On campus, Emmons Student Wellness Center can provide medical care; however, Emmons is not equipped for forensic examinations. As with off-campus medical personnel, Emmons staff members are required by state law to notify law enforcement if a patient tells them that s/he has experienced a sexual assault.

- **Emmons Student Wellness Center**  
Provides medical treatment.  
(323) 259-2657

Taxi vouchers are available at Campus Safety, Emmons Student Wellness Center and Residential Education and Housing Services to provide free transportation to local medical centers. The Survivor Advocate is also available to accompany survivors to access off-campus resources.

- **San Gabriel Valley Medical Center\***  
438 W. Las Tunas Dr., San Gabriel 91776  
Provides medical treatment and forensic exams; closest facility to campus.  
(877) 209-3049
- **LA County/USC Medical Center\***  
1200 N. State St., Los Angeles 90033  
Provides medical treatment and forensic exams.  
(323) 226-3961
- **Rape Treatment Center at Santa Monica-UCLA Medical Center\***  
Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.  
(310) 319-4000 Ext. 3

\*L.A. County designated Sexual Assault Response Team (SART) Center

#### C. Campus Resources

In addition to the confidential resources listed above, Occidental community members have access to a variety of resources provided by the College. The staff members listed below are trained to support individuals affected by sexual harassment or misconduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

- **Interim Title IX Coordinator Lauren Carella**  
Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.  
lcarella@oxy.edu; (323) 259-1338

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- **Deputy Title IX Coordinator Richard Ledwin**  
Director of Human Resources  
Available on weekdays during regular office hours.  
ledwin@oxy.edu; (323) 259-2526
- **Deputy Title IX Coordinator**  
*Position open*
- **Campus Safety**  
Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student and can reach the Dean on Duty at any time. Available 24 hours a day, 7 days a week.  
(323) 259-2511 (emergency line), or dial 5 from any campus phone.
- **Dean of Students Office/Dean on Duty**  
Can provide reasonable accommodations for housing, academic flexibility and stay-away letters. Available on weekdays during regular office hours. Access to Dean on Duty 24 hours a day by calling Campus Safety at (323) 259-2599.  
Dean of Students Office (323) 259-2661
- **Emmons Student Wellness Center**  
Provides medical treatment and confidential psychological counseling services.  
(323) 259-2657
- **Office for Religious & Spiritual Life**  
Provides spiritual guidance and in the context of ordained clergy, confidential support.  
(323) 259-2621
- **Project SAFE (Sexual Assault Free Environment)**  
A prevention and education support program dedicated to ending sexual violence on campus through resources, advocacy, and educational programming related to issues of sexual violence and intimate partner violence.  
(323) 341-4750

#### D. Community Resources

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance

in dealing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area. Two local resources, Peace Over Violence and the Rape Treatment Center at Santa Monica-UCLA Medical Center offer advocacy support.

- **LAPD**  
911 (24 hours)  
For dispatch, (877) ASK-LAPD (877-275-5273)
- **LAPD Northeast Division**  
3353 North San Fernando Road  
Los Angeles, CA 90065  
(323) 344-5701  
Occidental is located in Northeast Division.
- **Rape Treatment Center at Santa Monica-UCLA Medical Center**  
Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.  
(310) 319-4000
- **Peace Over Violence ("POV")**  
POV case managers can provide assistance and support with the medical and criminal legal process as well as accompaniment to hospitals, law enforcement agencies, and court appointments.  
1015 Wilshire Blvd.  
Los Angeles, CA 90017  
(213) 626-3393 or (626) 793-3385
- **LA Gay and Lesbian Center**  
Provides support and advocacy services for LGBT community members.  
1625 Schrader Blvd., Los Angeles 90028  
(323) 993-7400

#### VII. Reporting

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College encourages all individuals to make a report to the College and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

The College has a strong interest in supporting victims and survivors of sexual harassment, sexual violence, stalking and intimate partner violence and encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling someone in authority what happened -- in person, by telephone, in writing or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and to the extent legally possible will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

Any individual who reports sexual harassment, sexual violence, stalking or intimate partner violence can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the College will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

#### A. Emergency and External Reporting Options

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will help any Occidental community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

- **LAPD**  
For Emergencies: 911  
For concerning situations  
Call dispatch at (877) ASK-LAPD (877-275-5273)
- **LAPD Northeast Division**  
3353 North San Fernando Road  
Los Angeles, CA 90065  
Front desk phone number: (323) 344-5701  
Occidental is located in Northeast Division.

- **San Gabriel Valley Medical Center\***  
438 W. Las Tunas Dr., San Gabriel 91776  
Provides medical treatment and forensic exams; closest facility to campus.  
(877) 209-3049
- **LA County/USC Medical Center\***  
1200 N. State St., Los Angeles 90033  
Provides medical treatment and forensic exams.  
(323) 226-3961
- **Rape Treatment Center at Santa Monica-UCLA Medical Center\***  
Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.  
(310) 319-4000 Ext. 3

\*These three medical centers are Los Angeles County designated Sexual Assault Response Team (SART) Centers.

#### B. Campus Reporting Options

The College encourages all individuals to report misconduct to any College employee the Complainant trusts and feels comfortable with. In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered "responsible employees." This may include, for example, faculty, coaches, administrators, Resident Advisors and other student employees with a responsibility for student welfare, including Project SAFE program assistants.

The College requires that all "responsible employees" share a report of misconduct with the Title IX Coordinator or a member of the Title IX team. The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant's expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

All Occidental community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Coordinator or a member of the Title IX team. The College cannot take appropriate action unless an incident is reported to the College.

Members of the interdepartmental Title IX team include the Title IX Coordinator, Title IX Deputy Coordinators, and the Chief of Campus Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President for Academic Affairs and Dean of the College and a representative from the Dean of Students Office and/or Human Resources.

#### Campus Reporting Options:

- **Interim Title IX Coordinator Lauren Carella**  
Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.  
lcarella@oxy.edu; (323) 259-1338
- **Deputy Title IX Coordinator Richard Ledwin**  
Director of Human Resources  
Available on weekdays during regular office hours.  
ledwin@oxy.edu; (323) 259-2526
- **Deputy Title IX Coordinator**  
*Position open*
- **Campus Safety**  
Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student and can reach the Dean on Duty at any time. Available 24 hours a day, 7 days a week.  
(323) 259-2511 (emergency line), or dial 5 from any campus phone.
- **Dean of Students Office/Dean on Duty**  
Can provide reasonable accommodations for housing, academic flexibility and no contact letters. Available on weekdays during regular office hours. Access to Dean on Duty 24 hours a day by calling Campus Safety at (323) 259-2599.  
Office: AGC #111 and #112 (Ground floor, north side)  
deanofstudents@oxy.edu  
(323) 259-2661

#### C. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual harassment; sexual violence, stalking or intimate partner violence. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the

extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found [here](#).

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Director of Campus Safety, compliance with all Clery Act obligations.

#### D. Reporting Considerations: Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence and intimate partner violence as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the Occidental community, the College will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent may be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Occidental community may also be addressed under this policy.

#### E. Amnesty for Alcohol or Other Drug Use

The college community encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual harassment or misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

#### F. Coordination with Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence and intimate partner violence that may also be crimes under California law. The College will assist a Complainant in making a criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The College's policy, definitions and burden of proof may differ from California criminal law. A Complainant may seek recourse under this policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.



At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

#### G. Statement against Retaliation

It is a violation of College policy to retaliate in any way against an individual because s/he raised allegations of sexual harassment, sexual violence, stalking or intimate partner violence. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Complainant, Respondent or third party may commit or be the subject of retaliation.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

#### H. False Reports

The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously as a charge of sexual harassment, sexual violence, stalking or intimate partner violence may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

#### I. Reports Involving Minors or Suspected Child Abuse

Under California law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a minor under the age of 18 whom the individual knows or reasonably suspects has been the victim of child abuse or neglect.

All College employees, whether designated as a mandatory reporter under California state law or not, are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and the Director of Campus Safety. The source of abuse does not need to be known in order to file a report.

The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to Los Angeles County Department of Child and Family Services. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (800) 540-4000. If calling from outside of California, call (213) 639-4500.

### VIII. Interim Measures, Remedies and Accommodations

#### A. Overview

Upon receipt of a report, the College will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College.

A Complainant or Respondent may request a Stay-Away Letter or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

#### B. Range of Measures

Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus "Stay-Away Letter"
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from College support staff in completing housing relocation

- Limit an individual or organization's access to certain College facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Providing academic support services, such as tutoring
- Interim suspension or College-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

### C. Interim Suspension or Separation

Where the report of sexual harassment, sexual violence, stalking or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other College activities or privileges for which the student might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

The full provisions for Interim Suspension for students are contained in the Code of Student Conduct. Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the College.

## IX. Options for Resolution

### A. Overview

Upon receipt of a report, the College's Title IX team will conduct an Initial Title IX Assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant's expressed preference for resolution.

At the conclusion of the assessment, the College may choose to pursue Informal Resolution, a remedies-based approach that does not involve disciplinary action against a Respondent, or refer the matter for Investigation. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to a hearing panel for disciplinary action using the College's Formal Resolution procedures.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, investigation, and either informal or formal

resolution. There are specific procedures for resolving complaints against a student, faculty or staff respondent.

### B. The Role of the Title IX Team

The Title IX team, led by the Title IX Coordinator, assists in the review, investigation and resolution of reports. Members of this interdepartmental team include the Title IX Coordinator, Title IX Deputy Coordinators, and the Chief of Campus Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President for Academic Affairs and Dean of the College and a representative from the Dean of Students Office and/or Human Resources. Composition of the team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this policy.

Although a report may be made to any College employee, the College seeks to ensure that all reports are referred to the Title IX team to ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects.

The members of this team oversee the resolution of a report under this policy. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. Interim Remedies are also available to provide protection and security.

### C. Initial Title IX Assessment

In every report of sexual harassment or misconduct, the College will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

### D. Investigation

Where the Title IX assessment concludes that disciplinary action may be appropriate, the College will initiate an investigation. The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College will typically use a team of two investigators, which may include the pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other evidence. As part of the investigation, the College will provide an opportunity for the parties to present witnesses and other evidence.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The College will seek to complete the investigation within 20 (twenty) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the report will be forwarded to the Title IX Coordinator and the Hearing Coordinator responsible for initiating Formal Resolution proceedings.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant and the College campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. Where there is sufficient information set forth that, if proven, would constitute a violation of policy, the College will have the discretion to institute Formal Resolution proceedings against the Respondent. At the conclusion of the investigation, the College will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX assessment and/or full investigation, the College will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

#### E. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

#### F. Formal Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

The specific procedures for Formal Resolution will vary based upon the role of the Respondent:

- For a *complaint against a student*, disciplinary action may be taken by the Vice President of Student Affairs and Dean of Students or his/her designee following a finding of responsibility by an Administrator or a Hearing Panel.
- For a *complaint against an employee*, disciplinary action may be taken at the conclusion of the investigation by the Director of Human Resources or the Vice President for Finance and Planning.
- For a *complaint against a faculty member*, disciplinary action may be taken at the conclusion of the investigation by the Vice President for Academic Affairs and Dean of College and the Faculty Council or Advisory Council Hearing Committee pursuant to the "Procedures for Actions Leading to Warning, Reprimand, or Dismissal" in the Faculty Handbook.

#### G. Time Frame for Resolution

The College seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason(s) for the delay and the expected adjustment in

time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

## Appendix A: Resolving Complaints Against a Student

### I. Overview

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual harassment, sexual violence, stalking or intimate partner violence is encouraged to make a report directly to the Title IX Coordinator, Deputy Title IX Coordinators, the Dean of Students Office, Campus Safety or Human Resources. In every instance under this policy, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX Assessment.

At the conclusion of the Title IX Assessment, the report will be referred for Informal Resolution or Investigation to determine if there is sufficient information to proceed with Formal Resolution. Informal Resolution is a non-judicial, remedies-based approach that does not involve disciplinary action against a Respondent. Formal Resolution is a judicial, sanctions-based approach that may involve discipline up to and including expulsion.

### II. Initial Title IX Assessment

Upon receipt of a report, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the Complainant with the Title IX Coordinator or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the Complainant will be provided with information about resources, procedural options and interim remedies.

As part of the initial assessment of the report, the Title IX team will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of his/her right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence
- Enter the report into the College's daily crime log
- Assess the reported conduct for the need for a timely warning under Clery
  - Provide the Complainant with information about:
    - On and off campus resources
    - The range of interim accommodations and remedies
- An explanation of the procedural options, including Informal Resolution and Formal Resolution
- Make available an advisor, advocate, or support person
- Assess for pattern evidence or other similar conduct by Respondent
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding

- Explain the College's policy prohibiting retaliation

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

At the conclusion of the Title IX assessment, the Title IX team will determine the appropriate manner of resolution and, if appropriate, refer the report for further investigation, Informal Resolution or Formal Resolution.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College seeks action that would impact a Respondent, such as protective measures that restrict his/her movement on campus, the initiation of an investigation or the decision to involve the Respondent in Informal Resolution.

### III. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

#### IV. Investigation

Following the initial Title IX assessment, the College may initiate a prompt, thorough and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the investigation. At the conclusion of the investigation, if warranted, a Hearing Coordinator will be assigned to facilitate the adjudication through a conduct conference or specially trained conduct hearing panel.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College will typically use a team of two investigators, which may include the pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will usually be completed within twenty (20) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as law enforcement has completed its initial investigation.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.

##### A. Threshold Determination and Appeal from Insufficient Threshold

At the conclusion of the investigation, the investigator(s) will prepare a written report synthesizing the facts for review by the Title IX Coordinator and a Hearing Coordinator from the Office of Student Conduct. 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.

Upon receipt of the investigative report, the Hearing Coordinator, in consultation with the Title IX team, will review the report and make a threshold determination as to whether there is sufficient information upon which an adjudicator could find a violation of this policy. This threshold determination does not involve making a determination of responsibility, nor does it involve a credibility assessment. If the threshold has been established, the Hearing Coordinator will issue a Notification Letter to the Respondent and the Complainant and refer the report for Pre-Hearing Procedures.

If the Title IX Coordinator, in consultation with the Title IX team, determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing. The Complainant will have the opportunity to seek review by the Vice President for Student Affairs and Dean of Students (or designee) by submitting a written request for review within five (5) business days of receipt of the notification. If an appeal is filed, the Respondent will be notified and have the opportunity to respond. The Vice President for Student Affairs and Dean of Students (or designee) may affirm the threshold finding, reverse the finding or remand the matter for additional investigation as warranted. The Vice President for Student Affairs and Dean of Students (or designee) will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Vice President for Student Affairs and Dean of Students (or designee) is final. Where a designee is chosen, the identity of this individual will be shared with both parties.

#### V. Formal Resolution

Formal resolution of a complaint under the Sexual Harassment and Assault Policy will occur through the use of a Conduct Conference or a Hearing Panel.

##### A. Conduct Conference

A Complainant or Respondent may request resolution through an administrative conduct conference, in which the Hearing Coordinator will meet with the Complainant and Respondent to determine responsibility and render a decision as to what sanctions, if applicable, should be implemented. Both parties and the Hearing Coordinator must agree that the matter is appropriate for resolution by a conduct conference. Depending upon the nature and severity of the allegations, the Hearing Coordinator may decline to handle the matter administratively and refer the case to a Hearing Panel.

A conduct conference is particularly appropriate when the Respondent has admitted to the harassment or misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the Hearing Coordinator, it may also be used when the facts are in dispute. The investigative report will serve as the primary evidence in making a determination of responsibility.

Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present any additional relevant information to the Hearing Coordinator. In reaching a determination as to whether this policy has been violated, the Hearing Coordinator will reach a determination by a preponderance of the evidence, that is, whether the conduct was more likely than not to have occurred as alleged. Based on the outcome of the conduct conference, the Hearing Coordinator will issue an appropriate sanction.

Both a Complainant and Respondent may appeal the determination of the Hearing Coordinator as provided in the Appeal section below.

### B. Hearing Panel

The hearing panel typically consists of a three members drawn from a pool of trained faculty and campus administrators. Faculty members of the hearing panel pool are appointed by Faculty Council. Administration members of the hearing panel pool are selected and appointed by the Dean of Students Office. At the discretion of the Hearing Coordinator, the College may engage an external adjudicator to serve as a member of the hearing panel or in lieu of the hearing panel whenever, in the exercise of judgment, doing so will best serve the fair and equitable resolution of the complaint. In making the determination to select an external adjudicator, the Hearing Coordinator will consider, among other factors, the nature of the allegations, the complexity of the case, whether there is any issue of conflict of interest, the availability of trained panel members for the hearing, whether the College is in session or on break, or any other relevant factors.

All hearing panelists must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning and the College's policies and procedures. The training will be coordinated by the Title IX Coordinator in conjunction with campus and external partners.

The Hearing Panel is supported by the Hearing Coordinator, who is present at hearing panel meetings, but is not a voting member of the panel. He or she will meet with all involved parties prior to the hearing, be present during the hearing to serve as a resource for the hearing panel on issues of policy and procedure, and to ensure that policy and procedure are appropriately followed throughout the hearing.

In most cases, it should be possible to convene a hearing panel; however if the hearing must be heard at or after the end of the semester or academic year and/or a full hearing panel cannot reasonably be convened, those cases may be heard by the Vice President for Student Affairs and Dean of Students (or designee) or the College may substitute an alternate method of adjudication at its discretion.

### C. Advisors, Support Persons, and Attorneys

**Advisor:** In any hearing, the Complainant and Respondent may choose to be assisted by an advisor. The Dean of Students Office maintains a list of campus community members who have

undergone Title IX training who can guide a student through the pre-hearing and hearing process. The advisor may accompany the student to any College investigative, administrative or adjudicative meeting, including the panel hearing. The advisor may not speak to the panel during the hearing.

**Support Person:** A Complainant and Respondent may also choose to be assisted by an emotional support person of their choice. The person must be a member of the Occidental community (student, faculty, staff, or administrator). To serve as a support person, the individual will be required to meet with a Hearing Coordinator or the Title IX Coordinator in advance of any participation in the proceedings. The Survivor Advocate may serve as a support person for a Complainant.

The support person cannot be a witness in the proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the hearing itself. This person is not to address the hearing panel, except to ask for a short recess if one of the parties requires some time to compose him or herself or collect his or her thoughts. The Hearing Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings. While the support person may be present to hear testimony, no written materials are to be shared with support people.

Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person present.

**Role of the Attorney/Outside Agreements:** The College prohibits outside attorneys, or family members acting as attorneys, from participating in proceedings under this policy. A Complainant or Respondent may choose to seek the advice and assistance of an attorney at his/her own expense, but the attorney may not participate in investigatory interviews, informal resolution proceedings, or formal resolution via administrative hearing or Hearing Panel. Similarly, the College will not recognize or enforce agreements between the parties outside of these procedures.

### D. Pre-Hearing Procedures

#### 1. Notice of Charges

Following the threshold determination that there is sufficient information to move forward with a hearing, the Hearing Coordinator will send written Notification Letter to both the Complainant and the Respondent. The Notification Letter provides each party with a brief summary of the conduct at issue and the specific provision of the policy violation(s) that are alleged to have taken place.

#### 2. Pre-Hearing Meeting with Complainant and Respondent

Following the Notification Letter, the Hearing Coordinator will contact the Complainant and Respondent to schedule separate meetings with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or Respondent have elected to have advisors throughout the hearing process, the advisor is encouraged to accompany the Complainant/Respondent to this initial meeting.

### 3. Notice of Hearing

Once each party has met with the Hearing Coordinator, a Notice of Hearing is sent to the Complainant and the Respondent. In addition, the Notice provides the parties with the date, time, and place of the hearing, as well as the name(s) of the person(s) hearing the case.

In general, the hearing will be scheduled within ten (10) business days of the date of the Notice of Hearing. Under extenuating circumstances, this time frame may be extended.

### 4. Composition of the Hearing Panel

The Complainant and the Respondent may submit a written request to the Hearing Coordinator that a member of the hearing panel be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Hearing. All objections must be raised prior to the commencement of the hearing. Failure to object prior to the hearing will forfeit one's ability to appeal the outcome based on perceived or actual bias.

### 5. Pre-Hearing Review of Documents

The Complainant and the Respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements or interviews, statements or interviews by both parties, and any other documentary information that will be presented to the hearing panel.

### 6. Witnesses

The Complainant, Respondent, and the hearing panel all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character.

In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the College's investigation. If either party wishes to call witnesses, whether or not they were previously interviewed as part of the College's investigation, the following must be submitted no later than five (5) business days before the hearing to the Hearing Coordinator via e-mail or in hardcopy format:

- The names of any witnesses that either party intends to call;
- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and,
- The reason why the witness was not interviewed by the investigator, if applicable.

The Hearing Coordinator will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator. The Hearing Coordinator may also require the investigator to interview the newly proffered witness.

If witnesses are approved to be present, the Respondent and Complainant are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to ask questions of witnesses (through the panel), regardless of who called them to the hearing.

### 7. Relevance

The Hearing Coordinator will review the investigative report, any witness statements and any other documentary evidence to determine whether the proffered information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the Hearing Coordinator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Hearing Coordinator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

### 8. Prior Sexual History and/or Pattern Evidence

**Prior Sexual History of a Complainant:** In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

**Pattern Evidence by a Respondent:** Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the Hearing Coordinator or Title IX Coordinator, may choose to introduce this information, with appropriate notice to the parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Hearing Coordinator. The Hearing Coordinator, in

consultation with the Title IX Coordinator, will assess the relevance of this information and determine if it is appropriate for inclusion at the hearing.

To aid in an advance determination of relevance, the following must be submitted no later five (5) business days before the hearing to the Hearing Coordinator via e-mail or in hardcopy format:

- A written statement and/or description of the proposed information, if not already provided during investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

If this information is approved as appropriate for presentation at the hearing, the Respondent and Complainant will be provided with a brief description of the approved information no later than five (5) business days before the hearing.

#### 9. Request to Reschedule Hearing

Either party can request to have a hearing rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the Hearing Coordinator with an explanation for his or her request at least three (3) business days prior to the hearing.

#### 10. Consolidation of Hearings

At the discretion of the Hearing Coordinator, in consultation with the Title IX Coordinator, multiple reports may be consolidated against a Respondent in one hearing, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct that would regularly have been heard under the Code of Student Conduct.

### E. Hearing Panel Procedures

#### 1. Attendance at Hearing

If a party does not attend a hearing for any non-emergency or compelling reason, the hearing may be held in his/her absence at the discretion of the Vice President of Student Affairs and Dean of Students.

A Respondent will not be permitted to withdraw from the College prior to the conclusion of an investigation or formal resolution under this policy. If a Respondent chooses not to participate, the College will move forward with the hearing and imposition of sanction, if any, in absentia. The Respondent's academic transcript will be marked Withdrawal Pending Disciplinary Action, or, if finally resolved in absentia, with the final outcome in accordance with regular practice under this policy.

A Complainant or Respondent may also request alternative testimony options that would not require physical proximity to the other party. Options include placing a privacy screen in the hearing room, allowing the Complainant or Respondent to speak outside the physical presence of the other by using relevant technology to facilitate participation. Any proposed alternative must be reviewed in advance of the hearing to ensure that it is consistent with the goals of a fair and equitable process. While these options are intended to help make the alleged Complainant or Respondent more comfortable, they are not intended to work to the disadvantage of the other party.

#### 2. Participants in Hearing Procedures

The hearing panel is a closed hearing; it is not open to the public. The individuals who may appear before the hearing panel are: the Complainant; the Respondent; any individual serving as an approved advisor or support person; and any individuals appearing as witnesses. Attorneys, including family members acting as attorneys, are not permitted.

#### 3. Safeguarding of Privacy

All parties involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. No copies of documents provided are to be made or shared with any third parties. All copies provided must be returned to the College at the conclusion of the hearing and any appeals. Any breach of this duty is subject to further disciplinary action by the College.

#### 4. Hearing Panel Procedures

A hearing is not intended to be adversarial; rather, it is intended to be educational and developmental. The hearing is intended to provide a fair and ample opportunity for each side to present his/her account of the incident and for the hearing panel to determine the facts of the case, make a determination as to whether College policy was violated, and to recommend appropriate sanctions, if necessary. The hearing is an informal proceeding not comparable to a criminal trial; it is the mechanism by which the College assesses, and as appropriate, takes formal disciplinary action regarding a violation of College policy.

The hearing panel must review all pertinent information regarding the incident in question prior to the date of the hearing panel. Relevant information supporting the violation(s) alleged may be offered in the form of written statements, documents, items, or oral information from the Complainant, the Respondent, and witnesses.

A member of the panel will be designated as the panel chair. A hearing will be called to order by the panel chair. The Hearing Coordinator serves as a (non-voting) advisor to the hearing panel. The chair will explain the hearing process and will provide an opportunity to all parties to ask procedural questions prior to initial statements and the presentation of information.

The investigator will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to



assist the hearing panel in prioritizing areas of inquiry. The hearing panel, Complainant, or Respondent may make brief inquiries of the investigator at this juncture, as there will be additional opportunity to ask questions of the investigator after the hearing panel has heard from the Complainant, the Respondent, and any witnesses.

The Complainant may supplement the information provided to the panel with a brief statement. This is not intended to be a retelling of the event. The hearing panel may pose questions to the Complainant, including questions suggested by the Respondent.

After the Complainant is finished, the Respondent will be given an opportunity, and is encouraged, to make a brief statement. The hearing panel may pose questions to the Respondent, including questions suggested by the Complainant.

The panel may hear from witnesses on behalf of the Complainant and the Respondent. Each witness will be questioned by the hearing panel, and, as appropriate, the Complainant and the Respondent. Under some circumstances, the Complainant or Respondent may be asked to present a list of written questions to the panel, who will determine the relevance of the questions and pose any questions deemed relevant.

The hearing panel, Complainant, and Respondent may then question the Investigator. The investigator is not permitted to offer an opinion on the credibility of any individual or as to the ultimate issue.

At the conclusion of the presentation of all witnesses, the Complainant and Respondent will each be given a brief final opportunity to address any outstanding issues of fact.

#### 5. Questioning of Witnesses

It is the responsibility of the hearing panel to assure that the information necessary to make an informed decision is presented. The panel members may play an active role in questioning both parties and witnesses involved in the case. At times, the panel members may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context.

At no time will the complainant or the respondent be permitted to directly question one another. As outlined above, the parties may submit questions to the hearing panel in writing, which may be posed at the discretion of the hearing panel. Similarly, the panel members are under no obligation to allow either party to directly question witnesses, and the panel may require that questions to witnesses be submitted in writing.

Both parties are encouraged to prepare a written list of questions in advance. The parties may also submit questions in writing to the chair throughout the course of the hearing. The chair, in consultation with the panel, will determine the appropriateness and relevance of the questions.

Parties and other individuals who offer information at a hearing are expected to respond honestly, and to the best of their knowledge. The hearing panel reserves the right to recall any

party or witness for further questions and to seek additional information necessary to make a decision.

#### 6. Deliberation

After all of the information has been presented, all parties will be dismissed and the hearing will be formally concluded.

The panel members will conduct their deliberations in private. The panel must complete their deliberations within two (2) business days, but every attempt will be made to complete the deliberations promptly. The Hearing Coordinator may remain for deliberations, but may not participate in the deliberations and may not vote.

The hearing panel will determine a Respondent's responsibility by a preponderance of the evidence. This means that the hearing panel will decide whether it is "more likely than not," based upon all of the relevant information, that the Respondent is responsible for the alleged violation(s). The hearing panel must reach a decision on responsibility by majority vote. Only the decision on responsibility will be shared with the Complainant and the Respondent.

If the panel finds the Respondent responsible, the panel will then recommend appropriate sanctions to the Hearing Coordinator. The Hearing Coordinator, in consultation with the Title IX Coordinator, will review the recommendations and impose an appropriate sanction.

The findings of the hearing panel will be reduced to writing. The findings will detail the findings of fact and the basis/rationale for the decision of the hearing panel, making reference to the evidence that led to the finding.

#### F. Sanctions

A hearing panel that finds a Respondent responsible for a violation of this policy may recommend appropriate sanctions that may include, but are not limited to, those set forth below. Sanctions may be issued individually, or a combination of sanctions may be imposed. The Complainant and Respondent will each have the opportunity to present a written statement about impact and/or requested sanctions. The hearing panel will review these statements only if the Respondent has been found responsible for one or more violation.

In general:

- Any student who is determined to have committed sexual assault may receive a sanction ranging from suspension to expulsion.
- Any student who is determined to have committed non-consensual sexual contact or any other prohibited form of conduct may receive a sanction ranging from conduct warning to expulsion.

The hearing panel may deviate from the range of recommended sanctions, based upon a full consideration of the following factors: (1) the Respondent's prior discipline history; (2) how the

College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for his actions; (7) whether the Respondent is reasonably likely to engage in the conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances, including the College's values.

The hearing panel or Hearing Coordinator may also consider restorative justice outcomes that, taking into account the safety of the community as a whole, allows a Respondent to learn about the origins of his/her behavior, his/her responsibility for this behavior, and how s/he can change this behavior.

In appropriate cases, a panel may determine that the conduct was motivated by bias, insofar as a Complainant was selected on the basis of his or her race, color, ethnicity, national origin, religion, age, disability or other protected class. Where the panel determines that student misconduct was motivated by bias, the panel may elect to increase the sanction imposed as a result of this motivation.

The hearing panel will make a recommendation about the appropriate sanction. The Hearing Coordinator, in consultation with the Title IX Coordinator, may affirm or modify the recommended sanction(s). The Hearing Coordinator and Title IX Coordinator will review the panel's recommendations and take reasonable steps to foster consistency for similar violations and circumstances.

Sanctions that may be imposed under this policy include:

**Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

**Censure:** A written reprimand for violating the Code of Student Conduct or other College policy. This conduct status specifies a period of time during which the student's or organization's good standing with the College may be in jeopardy. The student is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension, or expulsion from the College.

**Disciplinary Probation:** Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed ASOC offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further disciplinary action.

**Restitution:** Repayment to the College or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

**Removal from Campus Housing:** Students may be removed from College housing and/or barred from applying for campus housing due to disciplinary violations of this Code.

**Suspension:** Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file. Conditions for readmission may be specified in the suspension notice.

**Expulsion:** Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

**Revocation of Admission and/or Degree:** Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree or violation of College policies, the Student Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.

**Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education or research projects may also be assigned. More than one of the sanctions listed above may be imposed for any single violation.

## G. Outcome Letter

The outcome of the hearing panel will be final and communicated to the Complainant and Respondent in writing, usually within four (4) business days from the date the hearing is concluded. The notification of each party should occur at or near the same time.

Both parties have the right to be informed of the outcome. In addition, the Respondent will be fully informed of any sanctions. For reports involving sexual violence, the Complainant will be fully informed of any sanctions. For all other reports under this policy, the Complainant will be informed of only those sanctions that directly relate to the Complainant, consistent with FERPA and other applicable law.

The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to FERPA requirements.

## H. Appeals

Either party may appeal the final outcome in writing to the Vice President for Student Affairs and Dean of Students or designee (the "Appeals Officer"). The appeal will be conducted in an impartial manner by an impartial decision-maker. The appeal must be filed in writing within five (5) business days of receiving the written outcome. The appeal shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

The Complainant and/or Respondent may appeal only the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The only grounds for appeal are:

- A procedural or substantive error occurred that significantly affected the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- New evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included).

The receipt of the appeal will be acknowledged in writing (which can include email). Each party will be given the opportunity to respond in writing to the other party's appeal. Any response by the opposing party must be submitted to the Appeals Officer within three (3) business days from receipt of the appeal. The appeals documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The Appeals Officer shall first consider whether the appeal is timely filed and if so, whether the appeal is properly framed based on the two grounds. If the Appeals Officer determines that the appeal is not properly framed, the appeal will be denied.

If the appeal is based on procedural or substantive error, the Appeals Officer may return the complaint to the original hearing panel with instructions to reconvene to cure the error, or in rare cases where the error cannot be cured, the Appeals Officer can ask that a new hearing occur before a newly constituted hearing panel. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original hearing panel to assess the weight and effect of the new information and render a determination after considering the new facts. The reconsideration of the hearing panel is final.

Appeals are not intended to be full rehearing of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appeals Officer to substitute his/her judgment for that of the original hearing body merely because s/he disagrees with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error. The Appeals Officer can affirm or alter the original findings, depending on the basis of the requested appeal.

Sanctions imposed are implemented immediately unless the Vice President for Student Affairs and Dean of Students stays implementation in extraordinary circumstances, pending the outcome of the appeal. Pending graduation, study abroad, internships/externships, or other events do not typically constitute extraordinary circumstances. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The Appeals Officer will render a written decision on the appeal to the Complainant and Respondent within fifteen (15) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

## I. Integrity of Proceedings

These procedures are entirely administrative in nature and are not considered legal proceedings. Neither party may audio or video record the proceedings, nor is formal legal representation allowed.

At the Hearing Coordinator's discretion, anyone disrupting the hearing may be removed.

## J. Records

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution or formal resolution. Complaints resolved by means of Title IX assessment or informal resolution are not part of a student's conduct file or academic record or of an employee's personnel record.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

Generally suspension, expulsion, and withdrawal pending disciplinary action are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the College are maintained in the Dean of Students Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students Office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Dean of Students Office.

## Exhibit 2



OCCIDENTAL COLLEGE

1600 CAMPUS ROAD

LOS ANGELES, CA 90041-3314

Vice President for Student

Affairs and Dean of Students

Coons Administrative Center, Room 112

(323) 259-2661

Fax: (323) 341-4927

February 6, 2014

**Notification of Complaint, Investigation & Immediate Interim Suspension**

Dear Mr.

On Friday, January 31, 2014, filed a complaint with the Title IX Office alleging an incident of sexual misconduct on or about September 28-29, 2013.

Following an initial assessment of the allegation, the College will be moving forward with a formal resolution process, which will include an investigation of this matter. Please know that under the College's Sexual Misconduct Policy, the College is obligated to conduct an investigation to gather all relevant facts and evidence related to an allegation of sexual misconduct. Additionally, the College's Code of Student Conduct provides for the College to place students on interim suspension immediately and without prior notice, if there is information available that the student's continued presence on campus poses a substantial and immediate threat to her/himself, others, and/or the performance of normal College functions.

Given the nature of the allegations in this matter, you are being placed on interim suspension from the College effective immediately. This suspension will be in place until a formal resolution and conclusion of this complaint occurs. You are required to vacate your room by 5:00pm today, Thursday, February 6, 2014. Please call Campus Safety at 323-259-2599 when you are ready to leave your room and staff members will meet you at your room to assist you.

Your status as a suspended student means that until this matter is resolved and you have formal written communication from the College lifting the suspension or allowing you on campus for a specific purpose, you are excluded from the College premises and from attending classes, events, and activities, and that all privileges extended to you as a student are withdrawn until the matter is resolved. Additionally, the requirements and timeline of the stay-away letter issued to you on October 28, 2013 will remain in effect.

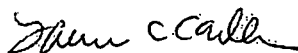
Information regarding the College Sexual Assault Misconduct Policy can be found at:

[www.oxy.edu/sexual-assault-resources-support/policies-procedures](http://www.oxy.edu/sexual-assault-resources-support/policies-procedures).

Information regarding the Code of Student Conduct can be found at: <http://www.oxy.edu/student-handbook/code-student-conduct>.

This notice will remain in a file in the Title IX Office. If you have any questions regarding the investigation or resolution of the Title IX complaint, please contact Lauren Carella by phone at 323-259-1358 or via email at [lcarella@oxy.edu](mailto:lcarella@oxy.edu). If you have questions regarding the details of the suspension and your student status, please contact Dean O'Neal Howard at 323-259-2969 or via email at [onealhoward@oxy.edu](mailto:onealhoward@oxy.edu).

Sincerely,



Lauren Carella  
Title IX Coordinator



Erica O'Neal Howard  
Senior Associate Dean of Students

Cc:

Sean Kennedy, Chief of Campus Safety

03/22/2014 15



CONFIDENTIAL MEMORANDUM

Date: April 15, 2014

To: Paul Jones  
Title IX Coordinator  
Occidental College

From: Li Fellers  
Keith Rehman  
Public Interest Investigations, Inc.

RE: Sexual Misconduct Policy Complaint  
Report of Investigation  
PII Case Number: 14-0235

I. Introduction

On or about February 13, 2014, 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 January 31, 2014, by a freshman at the College. She identified [REDACTED] as the Respondent.

LI Fellers and Keith Rehman, both of PII, conducted the investigation. Fellers is a staff investigator, and Rehman is PII's president. Both have specific training and experience investigating allegations of sexual harassment and sexual misconduct, including sexual assault.

UNSUBMITTED, UNCORRECTED, UNREVIEWED

Shirley  
Public Interest Investigations, Inc.  
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approached her and asked, "Are you a freshman? There are too many freshmen here." [REDACTED] said she did not know. [REDACTED] said she did not know. [REDACTED] was approaching her specifically that night, but was just having a drink. [REDACTED] said she thought to herself, "This guy's a jerk."

[REDACTED] next saw [REDACTED] two weeks later in early September at a poster sale on campus. He approached her and said he was working at the poster sale and asked to help her find a poster of a rapist group. [REDACTED] didn't believe that he was actually working at the sale, but he did help her find a poster she was looking for. The two had a "friendly conversation" about Altruism and about New York, which [REDACTED] was looking for a poster of, and how New York City compares to Los Angeles. [REDACTED] remembered [REDACTED] from the party.

She said after they purchased their poster, they each went their own separate way.

[REDACTED] said she then saw [REDACTED] about a week later when she was walking through the Quad and saw him sitting on a bench. [REDACTED] said [REDACTED] also saw her and they exchanged greetings. She said she asked [REDACTED] what he was doing, and he responded that he was doing his reading. She asked him how many pages he had to read, and he told her 60 pages. She told him that "sucka" and said goodbye and walked away. She said the conversation seemed "normal."

[REDACTED] stated that none of these conversations involved an exchange of phone numbers or other contact information, or any plan to see each other again.

ATO Party -- September 27, 2013

[REDACTED] attended a house party at the ATO fraternity house, which was within earshot of the incident described below. [REDACTED] asked her before it was, on September 27, the night before the incident. She went with a group of a dozen friends, including [REDACTED] and [REDACTED] several women, five members of the football team, and several friends or prospects.

[REDACTED] said she had been drinking a lot before the party. She stated that she had never been as drunk as she was that night. She stated, "It was not a good night." She stated she was aware of how drunk she was and asked one of her friends to look after her. [REDACTED] said she did not look out for her that evening. She said she did not have something to be afraid of. "If you see anyone being creepy to me, look out for me."

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The policy addresses consent and the use of force or coercion. The policy defines consent as an affirmative conscious decision by each participant to engage in mutually agreed upon sexual activity. The policy describes the essential elements of effective consent as the following:

- **Initiated and Reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing at the same time, in the same way.
- **Freely and Actively Given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressure.
- **Actively and Explicitly Stated:** Communication regarding consent consists of mutually understood words and/or actions that indicate an understanding and willingness to engage in sexual activity.
- **Not Withdrawn:** Consent may be withdrawn by any party at any time. Withdrawal of consent can be an expressed, not or can be based on an outward demonstration that a party is not willing to proceed, such as a verbal statement or a lack of a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- **Not Implied:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.

The policy defines force as the use of threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in a sexual activity. There is no requirement that a perpetrator realize the sexual aggressiveness of the act.

The policy defines coercion as the improper use of pressure to compel another individual to engage in sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom or ability to choose whether or not to engage in sexual activity.

The policy defines incapacitation as a state where an individual cannot make an informed and rational decision to engage in sexual activity. Decisions about sexual conduct are based on the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction).

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of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and/or drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments; or
- Capacity to appreciate the nature and the 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 Respondent was incapacitated."

C. Scope of the Investigation

The investigation focused on the acts of [redacted] as a complaint as they related to the relevant sections of the College's Sexual Misconduct Policy, as stated above. The report specifically addresses the behavior of the respondent on September 23, 2019, and the morning of September 24, 2019. This report is a synthesis of the information collected.

Witnesses also attached the summaries of interviews with [redacted] and other witnesses, which provide some additional information on this time period and events that took place afterwards.

This report does not include the investigative analyses of or conclusions regarding the facts reported, such as the investigation. The College's policy defines the investigation as not charged with reaching a determination as to responsibility, which is a function reserved for the Campus Conference or Hearing Panel.

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## Immediate PUBLICATION

## A Treasury of Investigation

PTV's investigation began on February 13, 2014, when Amara was interviewed by PTC on campus. Between February 13, 2014, and April 2, 2014, PTC conducted five interviews with Amara, including the Complainant and Respondent, 12 witnesses, and requesting relevant documents.

Beginning on February 14, 2016, § attempted to set up an interview with the [redacted] by contacting [redacted] by phone, email, and in person. [redacted] was not able to reach [redacted] by any of these methods. [redacted] was advised to contact [redacted] at [redacted] on February 14, 2016. [redacted] and PI established a series of emails regarding contact that began on 2/15/16. [redacted] about the interview process. One of the issues raised during this period was [redacted] request to be able to review the interview summary prior to the discussion in PI's report to the Title IX Coordinator. Following communication with Sub. James (P), [redacted] agreed to give a family statement which was made with [redacted]

During that time period, on March 5, 2014, ID # [REDACTED] told she was no longer able to serve as [REDACTED] Advisor. On March 13, 2014, [REDACTED] signed to an interview with PPI pending his ability to find a new Advisor. [REDACTED] was interviewed on March 20, 2014.

On April 2, 2015, [redacted] and [redacted] were informed by email that their respective interview statements were available to the relevant, through a secure file sharing site called Onehub. This allows those possessing a document to upload it, and then download, print, or share a copy of the document.

Both parties were given until April 9, 2014, to review the document, reviewed the summary of her interview, and provided some comment which have been incorporated into this report. [REDACTED]

**provide any additional information:**

**Witness Interview**

**Deborah**

PI collected and reviewed documents provided by the Complainant, the Respondent, the witnesses, and the College. These included text messages, emails, and College documents. PI also reviewed floor plans for Rafter Row Hall and obtained the Respondent's key card data for September 23 to September 29, 2013.

## Other Investigative Procedures

Students turned the grounds of the campus, including Rutgersville Hall, to have a visual testament for the events under investigation.

### III. Features of the lived relation

# Background

§ 87(2)(b) and § 87(2)(g) had several verbal contracts in August and September 2013 prior to the medical incident involving moving the patient onto an ambulance. September 2013, § 87(2)(b) and § 87(2)(g) finished with each other in a therapy session. § 87(2)(b) and § 87(2)(g) did not do so, exchanging contact information to speak with each other again. § 87(2)(b) and § 87(2)(g) informed each other again on the 14th and made email talk about the incident.

Friday, September 27, 2019, 4:00 PM

On September 27, 2013, [REDACTED] and multiple witnesses were present at a party at the AIDS House. They discussed various largely confidential [REDACTED] and [REDACTED] alleged the party separately with their friends. [REDACTED] and [REDACTED] discussed each other, but a printed or written

[illegible]

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**and [REDACTED] Were Dancing and Kissing**

On the night of the ATO party, [redacted] recalled that she had never been as drunk as she was on the night of the ATO party. She said she drank alcohol prior to turning up at the ATO house around 10:30 p.m. Due to her high level of intoxication, [redacted] said she asked her friend, [redacted], to look out for her that evening if he saw [redacted] heading away to her.

The remains of [redacted] arrived at the party. She said she started dancing with her friends at 11:00 p.m. [redacted] appeared and began dancing with her. [redacted] said [redacted] looked over to 300 if she was over, and she indicated that she was then dancing with [redacted]. [redacted] said she and [redacted] had since she had met [redacted] before and did not have a problem dancing with him.

Within one minute of dancing with [redacted] [redacted] said he grabbed her and started kissing her. "Really intensely," with the hands around her head and his tongue in her mouth. But estimated he was inside her about two minutes and it seemed like a long time. [redacted] said she did not object to [redacted] kissing her because she was so intoxicated and felt very "go with the flow."

[illegible]

██████████ recalled departing and making out with ██████████ then moving to a couch where ██████████ sat on a chair and they continued making out. ██████████ estimated he stayed at ██████████ residence for approximately 45 minutes. ██████████ estimated the entire exchange between her and ██████████ lasted for five minutes.

b6  
b7C  
[redacted] orientation team leader, said she observed [redacted] and [redacted] dating as a frequent activity, several times at the conference. [redacted] said [redacted] was concerned and considered interfering. However, [redacted] and she could not be expected to be enjoying it.

[illegible]

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could with [redacted] spreading. [redacted] S. [redacted] described their information as "leaked." Also, [redacted] and [redacted] told me she had an opposable thumb in the palm and they looked

## 2 Conversation between [redacted] and [redacted]

According to [redacted] and [redacted], they had a conversation at the ATO party, regarding what they were going to do next. Their accounts differed regarding what they said to each other. None of the witnesses heard [redacted] and [redacted] talking.

**Account**

On the night of the party, [redacted] and [redacted] asked if any wanted to go to his room. [redacted] asked this question, "No, I am a virgin and I don't want to have sex with you. If you want to have sex, you should find someone else." [redacted] responded "That's OK, I need him," and [redacted] asked her to sit down. [redacted] and [redacted] sat down but did not want to hang out with him and his wife. No. The two then parted.

██████████ recalled the video exchange with ██████████ from the moment that began dancing until he walked away as feeling about 100 minutes. They did not exchange. ██████████ wanted information to make plans to see each other again.

**B Account**

██████████ made a number of statements regarding the sexual nature of the relationship between ██████████ and ██████████ at the AFO party. ██████████ initially stated that he expected ██████████ to continue his abstinence. ██████████ replied that he was a virgin, and ██████████ thought so himself. He should stop away and join him back.

██████████ said he stayed at ██████████ to go back to his room, but he did not recall specifically asking that. ██████████ did not probably asked ██████████ any witnesses get out of the 410 early. ██████████ did not recall ██████████ saying that she did not want to have sex. He said, "She didn't say anything about having sex."

██████████ explained that he waited them to get to town, so-called better, by doing something that was more conducive to having a conversation. He said he wanted to "put more things" with Joe, "not necessarily to have sex." He stated the intention to ██████████ was "not specifically sexual, but sex was a possibility."

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\_\_\_\_\_ said after learning \_\_\_\_\_ was a friend he never got involved in purchasing anything serious with him. He said he did not think \_\_\_\_\_ wanted to make it a step further than just "friend," and there was mutual consent between him and \_\_\_\_\_ to part ways.

[redacted] § 87(2)(d) and [redacted], W. [redacted] advised [redacted] returned exactly what he handed about meeting [redacted] at the ATC party. W. [redacted] told [redacted] was "happy" and looked like [redacted] and [redacted] might be able to hook up again.

**Courtesy, September 23, 2013 to Sunday, September 29, 2013**

The total assessed alternative funds by [REDACTED] occurred on the evening of September 28, 2015, after the GLOW dance, until the following morning of September 29, 2015, included the social assistance costs, place holder, [REDACTED] a private room included in a "change" at Radisson Hotel.

**glow dance**  
THE DANCE OF THE GLOW

arrived separately at the GLOW Dance, and

[redacted] testified that he arrived at GLOW around 0:30 p.m., with some friends. He had approximately six beer bottles over him, and he described his level of intoxication at three or four on a scale of one to ten, with one being completely sober.

[redacted] testified that he arrived at GLOW around 1:00 p.m. with a group of friends. Prior to the arrival, [redacted] stated that he was drinking alcohol. [redacted] stated that he was drinking alcohol, called a "shed" or "and drank two shots of liquor and got feeling pretty sober." At the party and at hospital, that the dance was really "really cool." [redacted] friend, [redacted] sister, [redacted] appeared to be drunk, and that night

\_\_\_\_\_ said this early \_\_\_\_\_ started dancing together when "out of the house," \_\_\_\_\_ appeared and started dancing with her. \_\_\_\_\_ said \_\_\_\_\_'s arms and \_\_\_\_\_ said it was only because she cleaned a toilet. \_\_\_\_\_ said \_\_\_\_\_ said she and \_\_\_\_\_ began dancing during the night session at the A-10 party. \_\_\_\_\_ said \_\_\_\_\_ asked her to go and \_\_\_\_\_ did not appear to be drunk. She left with the \_\_\_\_\_ said \_\_\_\_\_ asked her how long \_\_\_\_\_ did not appear to be drunk or high. \_\_\_\_\_ said \_\_\_\_\_ was high. \_\_\_\_\_ said \_\_\_\_\_ did not appear to be drunk or high.

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██████████ said he had wandered around GLOW looking for people to interview, but he made eye contact with ██████████, ██████████ said he and ██████████ embraced and started dancing and kissing each other. He said ██████████ did not appear to be drunk or high.

5. [redacted] [redacted] observed [redacted] and [redacted] standing in front of [redacted] with [redacted] 6' 4" tall, 175 lbs. [redacted] observed them dancing together for about one hour and then she did not see [redacted] again for the rest of the night.

**Conversion between [redacted] and [redacted]**

██████████ and ██████████ advised there was a conversation regarding what they were going to do next. They accounted differed regarding where the conversation took place and what was said. There were no witnesses to the conversation.

**Account**

invited her back to his room again. [redacted] said he "supposed" was obligated to "share" the right to have sex with her. She said, "I told him I am a virgin, I don't want to have sex with you. If that's what you want, you should find someone else."

[illegible]

### 3 Account:

...said he and ... were gathering and keeping [a] collection, about 100,000 dollars, before the GLWO donors were immediately shut down. He said some of the party experienced double dealing, and an ambulance arrived."

Since [redacted] lived in Puley Hall across from his dorm at Rutgers-Newark, [redacted] said he and [redacted] walked back to their dorms together, hand-in-hand, after midnight. [redacted] said he invited [redacted] back to the room as they walked and she agreed. He described the invitation as "very straightforward from his earlier interactions with [redacted] that evening."

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[illegible]

When questioned further, [redacted] stated that he did not remember whether or not [redacted] had indicated that during a visit at the [redacted] to have sex before going to the [redacted] house.

## 2 WALK BACK TO ROOM!

██████████ asserted they had GLOW exposed within 100 yards and tried about 30 minutes to walk to Rangleyview. ██████████ said when ██████████ had him Rangleyview, he seemed to be laboring but on a fourth attempt to hit this room because a vessel was being sunk. ██████████ said after that he believed that ██████████ did this intentionally to make it confusing for his co-ops could not leave the room alone.

[illegible]

### Additional Information

According to a floor plan of Rangview Hotel, [REDACTED] 6 room is located in Tower 1. A on the third floor in the northwest corner of the building. (Exhibit 3)

Electricians of the city court responded that although the first floor south sublevel of tower A (B4-7A-5) is a cut South West Street) at 100-2-2-111 (Eubank St.) the floor plan showed that these stairs lead directly to the third floor entrance of tower A (B4-7A-5 South Stair). [redacted] accessed this door 45 seconds before at 1:50-10-2-111. [redacted] is about six doors away from this.

At on-stall lot of Rangesview Hall and a row of the vintage automobiles and exits from Room 300 by P/I started the route was the most direct.

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# PLAYBOY ROOM 228A

[redacted] resided at Rangitangal Room [redacted] on the third floor in a three-story apartment building with three private rooms that contain a kitchen, a small entrance, and a bathroom. [redacted] lived in the "Rango" with his friends [redacted], [redacted], [redacted], and [redacted]. [redacted] was known by his nickname, the name of V [redacted] and [redacted]

Michael [redacted] and [redacted] entered a room, [redacted] and [redacted] started they were talking, but in that room with the door closed. They said they did not see [redacted] They heard [redacted] and the voice of a female whom they assumed to be [redacted] because of which they assumed it was the ATO party.

W-1 and W-2 both denied the walls of the dorm building paper that "but W-2 said he cannot hear anything from W-1 right. W-2 said he did not hear anything loud or unusual," he said. "The voice was yelling or disbelieving anything that was going to happen there was a punch in."

On January 26, 1968, [redacted] and [redacted] were in [redacted] a room. [redacted] said he did not hear anything unusual from [redacted] a room that Warden have indicated a natural gas leak had occurred. [redacted] said about 4.5 minutes after he heard [redacted] return to his room, he heard voices coming in from [redacted] a room. He could not tell what they were saying, but he said at one point the voices became loud and animated, and [redacted] he heard a single at the wall in [redacted] and [redacted] possibly a quiet. [redacted] said he did not want to be disturbed because he was tired and trying to sleep. [redacted] said he did not hear anything that disturbed him or caused him to be alarmed and he was not disturbed by the sounds of a single [redacted].

#### 4. Overview of Events in 6 Rooms

There was no indication as to how long [redacted] was in the room. The account of [redacted] and [redacted] regarding what happened during the shooting is not consistent with the account of [redacted] and [redacted] statements. A more detailed description of [redacted] and [redacted] accounts regarding the situation is provided below.

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O-4  
N-1  
J-10  
U-10  
H-1  
O-10  
U-10  
O-1  
H-1  
U-1

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A. Account

stated that she and [redacted] engaged in different types of intimate and sexual activities that were consensual, including kissing, fondling, and performing oral sex on each other. However, [redacted] said [redacted] penetrated her vagina with his penis on three separate occasions, and she did not consent to this. [redacted] stated [redacted] also penetrated her anus with his penis on two occasions. [redacted] said she felt pressured to consent to the first anal penetration, and she did not consent to the second anal penetration.

[redacted] said two different times during the night, she attempted to leave, or said she wanted to leave, but [redacted] physically pulled her back into bed, or told her to stay. [redacted] said at one point she screamed and [redacted] covered her mouth with his hand and told her to be quiet. [redacted] said she left the room and unable to leave a room because she believed she needed a key card to exit Rarigstein.

B. Account

[redacted] stated the allegations made by [redacted] were completely false. [redacted] stated that he and [redacted] engaged in consensual sexual activities that included undressing each other until they were naked, kissing, and fondling, when either a female, performing oral sex on each other, and anal sex. [redacted] said he did not believe [redacted] was having sex with him during the night. [redacted] said [redacted] suggested to him that they have anal sex and he consented to having anal sex with her. [redacted] said he did not penetrate [redacted] anus with his penis on a second occasion.

[redacted] said [redacted] never tried to leave the room, or tell him she wanted to leave. He said he never prevented [redacted] from leaving the room by physically pulling her down to the bed, or telling her to stay. He said he never covered [redacted] mouth with his hand and told her to be quiet.

C. Level of Intoxication

When she was interviewed, [redacted] said marijuana was not a factor in the incident, however she made a number of statements which indicated that she was intoxicated at the time. [redacted] said she began to feel the full effect of the marijuana candy while in [redacted] room, and it made her feel a variety of emotions from

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thoughtful path to his room, which does not appear to have been the case. The following morning, [redacted] remained that when she was no longer high, she was able to quickly stop [redacted] when he penetrated her anus. [redacted] later commented, "The marijuana made [redacted] more susceptible to [redacted] surroundings."

[redacted] stated that [redacted] did not appear to be intoxicated. He said he did not know if she had drunk alcohol or used any drugs on the night of the incident.

B. Account

Once in [redacted] room, [redacted] and [redacted] both reached kissing and touching each other on [redacted] bed. [redacted] and [redacted] said they removed each other's clothing and also undressed themselves until they were both naked. They continued kissing and touching each other's bodies and genitalia. [redacted] said they continued to have sex until [redacted] said she was tired and wanted to go to bed. [redacted] said [redacted] became more forceful with her sexual activity and pulling her neck, which hurt her. She tried to push [redacted] off of her and [redacted] responded,

[redacted] said he and [redacted] were moving around in different positions on the bed with their bodies pushing against each other and grinding. He said the "grinding" [redacted] was grinding her pelvis on his hand. He said [redacted] touched his genitalia.

[redacted] said she and [redacted] did not discuss what they were going to do sexually at that point, but she had already decided that she would be willing to have oral sex with [redacted]. She said she was comfortable with what she and [redacted] were doing because she already said [redacted] that sexual intercourse was ruled out, and he already agreed that they would not have sex.

7. Account

A. Account

[redacted] said [redacted] suggested that since they were not going to have sexual intercourse, they should perform each other's massages. [redacted] started to perform oral sex on [redacted] and [redacted] said [redacted] was "too rough" as he performed oral sex on her, and that he was "too rough" to stop and he did.

03/31/24 2:25 PM 04 5



**Account**

100 mg two times daily.

**STU. BUSTLING FROM DEATH**

100

## Attempted to Leave

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**Account:**

**THE TWO CHALLENGES THAT ARE OURS**

**ATTENTION: THE NEW COAST GUARDIAN**

placed both of his

**SECRET**

[illegible]

IN ORDER OF PRIORITY, LIST THE NAMES OF THE PERSONS, OR VARIOUSLY IDENTIFY THE

**Fluor Vagina Petroleumum**

**Account**

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**Account**

of the World War

Attempted to leave

ACCIDENT

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[illegible]**Account**

\_\_\_\_\_ said he did not discuss condition language with \_\_\_\_\_ because he did not persuade \_\_\_\_\_ with his promises. He said, "I didn't put my pants on, so there was no underwear. I did not believe she wanted to have it any time but she said 'congratulations.'"

\_\_\_\_\_ said he did not make a comment such as "pleasure and/or" after the evening. He said he did not make a comment because it put the person off and it was not consistent with the discussion about oral sex because it put the person off and it was not consistent.

## 11. Second vaginal penetration

**Account**

§ 87(2)(b) asked her, "Why should your virginity even matter?" § 87(2)(b) responded that virginity was "kind of important" to her, but she did not want him to have her virginity again. § 87(2)(b) said about 30 to 40 minutes after § 87(2)(b) responded that virginity was "kind of important" to her, § 87(2)(b) began missing and § 87(2)(b) told his partner he did not want virginity again. § 87(2)(b) told her he did not want her to stop, and he did § 87(2)(b) said did not want him to have her virginity again.

\_\_\_\_\_ later stated that \_\_\_\_\_'s response made her feel afraid, but she tried to remain calm and composed. \_\_\_\_\_ said she "thought out a lot of things" and was trying to remain calm and composed. That everything was okay and her father was in her mind.

[illegible]

\_\_\_\_\_ said she felt ready, uncertain of what to expect. \_\_\_\_\_ this. According to \_\_\_\_\_, \_\_\_\_\_ promised he would not punch or slap \_\_\_\_\_ again with his penis again. \_\_\_\_\_ said she felt like she could not have possibly had sex without a condom. \_\_\_\_\_ stated that \_\_\_\_\_ prevented her from leaving or told her to stay.

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in response to the investigation of a second non-consensual vaginal penetration, [redacted] testified that he did not feel the penis of [redacted] vagina. He said [redacted] did not feel that she did not consent to this sex activity. [redacted] said, "I did not respond."

## 12. **Italy Vegetables Production**

Account:

██████████ said he passed out ██████████ 6 months ago to put his pants on his ankles, which he wore in sleep. In his court, ██████████ said something like, "between his world 20 inches, he passed out and he gets his legs in the vagina and he had to make his hands free for a couple of seconds." ██████████ said she screamed, and ██████████ picked up the shirt and threw it into the air and said, "Don't scream, my appendicitis will tear." She said they "you need to do this" and he pulled the pants out of her vagina.

**Aspirin**

"[redacted] said he did nothing in the period in [redacted] years as a third time or more. He says he did not cover [redacted] much and let her roll around because his roommate would hear. [redacted] later, we did not happen. None of them happened. My roommate would have heard that."

13. [REDACTED] performed Orel-Bax on [REDACTED]

**Be Account**

██████████ said after she picked up ██████████ from the agents, he began screaming and yelling at her. ██████████ complained, "You are hurting him," and told her she had to let ██████████ go so she could see ██████████ and she consented. ██████████ said when she agreed to go back to ██████████ a court clerk assumed that they would engage in sex and so they would not have to use intercourse, and told PI she was comfortable with that.

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said she returned oral sex on [redacted] with the penis in her mouth for just one minute. [redacted] said [redacted] asked her to stop because he needed to go to the bathroom. As he got up to walk to the bathroom, [redacted] turned and asked, "Was. Actually, can I see on you?" [redacted] responded, "No, why would you ask that?"

said while [redacted] was in the bathroom, she thought it was "my time to escape" [redacted]'s room, but she realized that she needed a code or a key card in order to leave Huntington. [redacted] said she felt trapped because she believed that only [redacted] could let her out of Huntington. She did not think he would do so because he had prevented her earlier attempts to leave. She said, "I was scared and fearful" of [redacted] and she was trying to calm herself down, but she felt unhappy and confused. She said [redacted] was "intuitive" and the type of person to make the other person feel bad and blame themselves.

1) Additional Information

According to Chad Myers, Director of Residential Education and Housing Services, there is controlled access to and within the residential areas of Huntington Hall. He said a key card is required to gain entry to any of the residential rooms from the stairwells, and any interior doors within the residential areas such as a computer room or lounge. He said it was possible to exit Huntington without a key card, but a student would have to know where to go. He said the stairwells do not require a key card to exit, but a student would have to go all the way down to the basement or garage level to locate the exit door. Myers said the doors in between would be locked and require a key card to enter.

2) [redacted] Account

[redacted] stated after performing oral sex on [redacted], he laid down on his back and [redacted] performed oral sex on him, with his penis in her mouth and her hands "working" his penis. He said they did this for "a little bit," she did not recall how long she performed oral sex on him.

[redacted] said he did not tell [redacted] that she was "turning" him and that she had not go to the bathroom that evening. [redacted] said he never asked to urinate on [redacted]. He said he did not go to the bathroom that evening.

[redacted] said after [redacted] performed oral sex on him, they lay together in bed resting. [redacted] turned his penis and "played" with it like it was a "dildo or a toy." [redacted] said this made him uncomfortable and unhappy. [redacted] said he and [redacted] eventually engaged in "slow talk for a while." He said [redacted] had told him with her head resting on his chest and shoulder area and her hands on his chest. He said they talked about themselves, where they were from and the type of music they liked. He said they were "a lot louder" and one of the roommates "knocked on the wall to signal that they needed to be quiet."

[redacted] said at some point in their conversation, he brought up [redacted] "vaguely." He stated he did not recall why he brought it up, but he recalled talking about [redacted] that they did not know each other well enough to have sex, and said he did not know her well enough to "take her virginity."

14. First Anal Penetration  
a. [redacted] Account

[redacted] said after [redacted] returned from the bathroom, he continued complaining to her in a "whiny way" that she was "turning" him because she would not have sex with him. He said that it was "not fair," and she had to at least agree to have anal sex. He said [redacted] told him she did not want to have anal sex, but [redacted] insisted. He said [redacted] said she agreed to have anal sex with [redacted] because she was tired and [redacted] could not say no. [redacted] said [redacted] was also "exhausted" and tired and wanted to sleep. [redacted] said [redacted] was unable to leave Huntington without the use of [redacted] key card. She also believed he would not let her leave because he had stopped her from leaving earlier in the evening.

[redacted] stated [redacted] penetrated her anus for a few moments, but as he did so she started yelling out, and he stopped. [redacted] removed the penis and continued that she had not let him "put it in all the way." [redacted] said she did not ask [redacted] if

**C. [REDACTED]'s Account**

[REDACTED] said after he and [REDACTED] engaged in pillow talk, [REDACTED] suggested that they go upstairs. [REDACTED] said he did not know what prompted [REDACTED] to offer to have anal sex with him. He said the penis was not hard and erect and [REDACTED] was forcing him when she made her suggestion. He said he did not go through with anal sex, but he was not asked to [REDACTED] and willing to try it.

[REDACTED] said he and [REDACTED] attempted anal sex on Monday, second, by [REDACTED] was uncomfortable, and made an "O" noise, so they stopped having anal sex. He said he did not complain that she did not let him put on all the way. [REDACTED] (H) said he did not ask her if she was a virgin, and [REDACTED] said he did not know because he didn't go in all the way.

**D. [REDACTED] and [REDACTED]'s Account**

**1. [REDACTED]'s Account**

[REDACTED] stated after they had anal sex, she asked [REDACTED] to hand her clothes to her. He then began masturbating and ejaculated in front of her. She said it was the only time he ejaculated that night.

[REDACTED] stated she still felt that she was trapped in [REDACTED] a room and unable to leave. [REDACTED] and she was exhausted and had given up. She said [REDACTED] said and went to sleep. He also went to sleep on the bed. He was in bed.

**2. [REDACTED]'s Account**

[REDACTED] recalled that he masturbated and ejaculated in the room during the night. However, he was unsure if he ejaculated after the [REDACTED] performed oral sex on each other or after they attempted to have anal sex.

[REDACTED] recalled masturbating while he and [REDACTED] laid next to each other in bed. He said that as he masturbated, [REDACTED] was on him, talking, and whispering in his ear and kissing him. He said [REDACTED] also touched his body, possibly around his thigh area, while he masturbated.

[REDACTED] said he and [REDACTED] laid together and continued to talk. He said just

**D. Morning of Sunday, September 29, 2015**

**1. Second Anal Penetration**

**a. [REDACTED]'s Account**

[REDACTED] stated after [REDACTED] ejaculated in [REDACTED] a room, [REDACTED] was lying behind her, and was still naked. She said [REDACTED] went on another "just sexy" (just) with people, and then repositioned her on her own compartment. [REDACTED] said he talked to her about doing her up there and returned her penis into her anus. Since she was no longer under the influence of the marijuana, [REDACTED] said she was able to stop [REDACTED] and push him away. She said [REDACTED] didn't get to that level and only partially penetrated her anus with his penis. She said after she told him to stop, he stopped and then sighed and said, "Okay, fine."

[REDACTED] said [REDACTED] asked if she would like to make out again. She said no and said she wanted to get dressed. [REDACTED] said he did not want to have breakfast with her.

[REDACTED] said [REDACTED] pushed her back to her dorm. Along the way, [REDACTED] said [REDACTED] used a bottle and rubbed it on her buttocks to get her to have sex. [REDACTED] said [REDACTED] used the night before. [REDACTED] said she made her feel [REDACTED] differently, took her on a long drive coming out in a different way. [REDACTED] said he made her feel like he had been trapped in [REDACTED] a room.

[REDACTED] said when they parted, [REDACTED] thanked her for the great experience and that she was the first girl he had been with. She was shocked by his comment.

**b. [REDACTED]'s Account**

[REDACTED] said he and [REDACTED] woke up together and he walked her back to Pauloy Hall. [REDACTED] said he did not remember [REDACTED] coming with her. He said, "No, I didn't go to have anal sex with her. My underwear was on."

[REDACTED] said when he left [REDACTED] at her room, he did not refer to her as a "big girl." He said [REDACTED] asked him to stay in touch with her by saying, "Hi, when they see each other on campus, or to love her."

2. Roommates

\_\_\_\_\_ and \_\_\_\_\_ were briefly inside the tobacco machine. When \_\_\_\_\_ came up, he heard voices from \_\_\_\_\_'s room. He did not know what the voices were, but he said they were not unusual. When \_\_\_\_\_ opened the door to his bedroom, he saw \_\_\_\_\_ and \_\_\_\_\_ were standing in the doorway of \_\_\_\_\_'s room. He said they were both fully dressed and he did not notice anything unusual or out of the ordinary with \_\_\_\_\_'s demeanor.

\_\_\_\_\_ said \_\_\_\_\_ introduced \_\_\_\_\_ to \_\_\_\_\_ and \_\_\_\_\_ said \_\_\_\_\_ was not in the best mood to make a statement because he had just woken up and was disoriented. He said \_\_\_\_\_ also seemed tired. \_\_\_\_\_ said he and \_\_\_\_\_ exchanged "hello's" and they were going to get breakfast and they left the room.

\_\_\_\_\_ said he assumed \_\_\_\_\_ was "excited" because \_\_\_\_\_ had not had a girlfriend. \_\_\_\_\_ said he did not observe anything unusual about \_\_\_\_\_'s demeanor or his interaction with \_\_\_\_\_ but he could not be too concerned or suspicious that a sexual assault had occurred.

\_\_\_\_\_ said he and \_\_\_\_\_ were in the room with the door closed when he heard a door open and \_\_\_\_\_ spreading his arms. \_\_\_\_\_ said he did not hear what they said. He then heard the voices of someone leaving.

E. Discussed Incident with Multiple Individuals

In the days immediately following the incident, \_\_\_\_\_ discussed what happened with \_\_\_\_\_ who were his friends. In his words, \_\_\_\_\_ discussed the incident with his residential advisor and a professor.

3. Sunday, September 28, 2013 to Thursday, October 3, 2013

\_\_\_\_\_ said later in the evening of September 28, 2013, the next change about what happened with \_\_\_\_\_ and \_\_\_\_\_ to \_\_\_\_\_ about \_\_\_\_\_ said "I didn't really fit the girl that he thought she was. He seemed really into her. A few days later \_\_\_\_\_ also spoke separately to \_\_\_\_\_ on October 2, 2013, and \_\_\_\_\_ on October 3, 2013. (Exhibit 5)

\_\_\_\_\_ said \_\_\_\_\_ and \_\_\_\_\_ that she went back \_\_\_\_\_'s room but she did not intend to have sex with him. \_\_\_\_\_ said \_\_\_\_\_ was not at the ATC party and again at the Q&A dance that she was a virgin and did not want to have sex with him. \_\_\_\_\_ said \_\_\_\_\_ that \_\_\_\_\_ agreed and said they would "just watch movies and hang out in the room."

\_\_\_\_\_ told all three friends while she and \_\_\_\_\_ were talking out, \_\_\_\_\_ penetrated her vagina with his penis, and she did not want him to do this. \_\_\_\_\_ said \_\_\_\_\_ told her that \_\_\_\_\_ was not allowed to stop the penis from going in and that \_\_\_\_\_ told her when he penetrated her. \_\_\_\_\_ said \_\_\_\_\_ (expressing she did not want to have intercourse, but \_\_\_\_\_ penetrated her vagina with his penis anyway. \_\_\_\_\_ recalled that \_\_\_\_\_ described the evening with \_\_\_\_\_ as "a good time" by going to her car to have sex with him. \_\_\_\_\_ said \_\_\_\_\_ had sex with \_\_\_\_\_ on \_\_\_\_\_'s bed. \_\_\_\_\_ said \_\_\_\_\_ also mentioned that they had sex with \_\_\_\_\_ with \_\_\_\_\_'s consent. \_\_\_\_\_ did not observe \_\_\_\_\_'s behavior. \_\_\_\_\_ said \_\_\_\_\_ penetrated her vagina and \_\_\_\_\_ said \_\_\_\_\_ and \_\_\_\_\_ said \_\_\_\_\_ did not discuss additional details with them. \_\_\_\_\_ said she assumed there was only one penetration. \_\_\_\_\_ said she did not know if \_\_\_\_\_ had sex with \_\_\_\_\_ before or after sex.

\_\_\_\_\_ and \_\_\_\_\_ said \_\_\_\_\_ told \_\_\_\_\_ to stop after he penetrated her vagina. \_\_\_\_\_ said \_\_\_\_\_ very loudly told \_\_\_\_\_ to stop, and he did, but it was after he already violated her. \_\_\_\_\_ said \_\_\_\_\_ told him repeatedly to stop and she was pushing him out, but \_\_\_\_\_ kept trying to have sex with her. \_\_\_\_\_ said \_\_\_\_\_ told \_\_\_\_\_ that she was a virgin and did not want to have sex.

\_\_\_\_\_ said \_\_\_\_\_ complained that \_\_\_\_\_ was being "very aggressive and violent and manipulative" towards \_\_\_\_\_'s friends. \_\_\_\_\_ said \_\_\_\_\_ made comments to \_\_\_\_\_ and \_\_\_\_\_ that were "gross enough to yell at" according to \_\_\_\_\_'s friends. \_\_\_\_\_ said \_\_\_\_\_ would enjoy sex and that was what \_\_\_\_\_ said \_\_\_\_\_ also described \_\_\_\_\_'s behavior as "coercive," and that this led to physically preventing her from leaving the room by grabbing her arm or pushing her against a wall.

\_\_\_\_\_ and \_\_\_\_\_ said they applied the sexual assault training they received and tried to support \_\_\_\_\_ and refer her to campus resources.

According to \_\_\_\_\_, \_\_\_\_\_ later that night happened with \_\_\_\_\_ was sexual assault. \_\_\_\_\_ sent a text message to her friend \_\_\_\_\_'s friend \_\_\_\_\_ assistant for Project Safe and set up a meeting for \_\_\_\_\_ with \_\_\_\_\_'s friend \_\_\_\_\_.

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2. Approximately mid-October 2013

Head Internal Advisor, Jass, Langsten, DaPaolis and Professor Stannard (Lorenz) reported that they met with ██████████ at some point in the middle of the semester. They did not recall the specific date. They said ██████████ told them his was "Rupert" and said ██████████ she specifically used the term "Tape." Langsten and DaPaolis said she had one in two SEAN reports based on her conversation with ██████████ about the tape.

Professor Lorenz said [redacted] appeared shocked and did not discuss the details of what happened at the name of the person who raised her. [redacted] asked Professor Lorenz for some extensions on assignments and her "understanding" as Professor

Langbein O'Connell \_\_\_\_\_ reported that he said \_\_\_\_\_ because a virgin and she did not want to have sex with \_\_\_\_\_ was very pushy and kept putting and kept kissing and kept touching \_\_\_\_\_ until they had sex. Langbein O'Connell said \_\_\_\_\_ that \_\_\_\_\_ said one view of what happened and did not provide a lot of details. She said \_\_\_\_\_ did not specifically describe intercourse. Langbein O'Connell said \_\_\_\_\_ genital area \_\_\_\_\_ dealing with his penis based on what \_\_\_\_\_ told her.

### 1.1. Effects of Marijuana on ██████ during the Incident

During [redacted] initial interview with PI [redacted] during a follow-up interview [redacted] stated he did not believe marijuana was a factor in the incident because it did not influence his or his brother's actions. She believed that [redacted] had other very strong significant factors.

Rowley, [REDACTED] friends, [REDACTED] and Lamson DePaulis stated that [REDACTED] told them she was drunk to high, or both. [REDACTED] said this may have affected [REDACTED] ability to understand what was happening with [REDACTED]. [REDACTED] said she assumed the reason [REDACTED] stayed the night with [REDACTED] was because she was drunk and high and just wanted to go to sleep.

Laragetti-DePaolis said [REDACTED] was under the influence of marijuana, and it seemed to affect her ability to leave the situation. Laragetti-DePaolis said [REDACTED] reported that being high made her feel like she "didn't have control," which made her feel "more nervous and more scared." [REDACTED] reported feeling confused about how to end the building bond she felt trapped. Laragetti-DePaolis she felt like she

**F. [REDACTED] and Friends and Roommates**

[redacted] discussed the night he spent with [redacted] with his roommates, W. [redacted] and W. [redacted]. According to interviewees with PLEASANT [redacted] and [redacted], W. [redacted] and [redacted] stated that [redacted] told them he did not have sex with PLEROUNG with

██████████ and ██████████ said ██████████ told them ██████████ was a virgin and she did not want to have sex. ██████████ said ██████████ told him there was a disagreement over what they wanted to [do] and how far they were going to go. ██████████ said ██████████ respected that ██████████ was a virgin and did not want to have sex. ██████████ said ██████████ told him "it wasn't wrong for us to have sex with ██████████."

[illegible]

8. [redacted] said [redacted] had engaged in other types of sex with [redacted]. [redacted] would have told them about [redacted] sex based on his understanding of what [redacted] told him; there was no attempt at sexual contact "in the sexual context." However, no revelation whatsoever of [redacted] against or about [redacted]

██████████ said, "██████████ never would have done anything without asking her or trying something without consent." He said, "██████████ was so appalled that it didn't go out with ██████████, but he did not seem twenty-two or angry."

**Wednesday, October 2, 2013, Emerson Student Wellness Center**

**Account**

██████████ said on Wednesday, October 2, 2019, she noticed she was bleeding irregularly, and her vaginal area was "itchy and painful." She said she was not due for her period and she had not engaged any birth control pills. ██████████ described the bleeding as "not a lot," but enough to cause her to have a "cottoned out." She was worried that the

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\_\_\_\_\_ wanted to Emmons and requested a pregnancy test, a pap smear and a STD test. She was given the pregnancy test, but not the STD or Pap smear because the staff who performed those tests were not available. \_\_\_\_\_ said she consulted a physician and a nurse, but she did not tell them she had been raped. \_\_\_\_\_ said she told staff that she had sexual intercourse with a man for the first time, her vaginal area felt irritated and there was bleeding. She also asked if her hymen was broken.

\_\_\_\_\_ said she was very upset after leaving Emmons and felt like she was having a panic attack.

2. \_\_\_\_\_ Medical Records from Emmons

According to Emmons' electronic scheduling system, \_\_\_\_\_ had an office visit and a pregnancy test on October 3, 2013. (Exhibit 8) Robin Davidson, Director of Student Wellness at Emmons, stated that \_\_\_\_\_ was seen by Physician Assistant Ann Mangia, and the pregnancy test was negative. The electronic records show \_\_\_\_\_ returned on October 9, 2013 for a follow up visit. Handwritten progress notes stated: "Patient reports that she had some vaginal irritation after first sexual encounter last week."

3. Additional Information

According to Davidson, the handwritten progress notes for \_\_\_\_\_, October 3, 2013, visit were inadvertently shredded on March 26, 2014, by staff psychologist Dr. Jennifer Healdarks. (Exhibit 6) Dr. Healdarks was assigned to make copies of \_\_\_\_\_ medical records in order to provide them for this report. However, Davidson said Dr. Healdarks and Cindy Bacon, nurse practitioner, reviewed the progress notes prior to their shredding and recalled that the results of \_\_\_\_\_ pregnancy test was negative. Davidson said Bacon then drafted and signed replacement progress notes with this information.

H. Thursday, October 3, 2013, \_\_\_\_\_ Attempted to Confront \_\_\_\_\_

\_\_\_\_\_ said she was feeling really scared about what happened and she wanted to personally confront \_\_\_\_\_ and let him know that what he did to her was

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not okay. \_\_\_\_\_ said \_\_\_\_\_ did not seem to be a "scary person" at the time and she felt it would be better if he heard what she had to say directly from her.

\_\_\_\_\_ said she received a Facebook message from \_\_\_\_\_ asking to meet around 10:30 p.m. (Exhibit 7) \_\_\_\_\_ said \_\_\_\_\_ appeared to be more upset and feeling very demeaned by what \_\_\_\_\_ did to her. \_\_\_\_\_ asked \_\_\_\_\_ to go with her to Rangeview so she could confront \_\_\_\_\_.

\_\_\_\_\_ said as she and \_\_\_\_\_ walked to Rangeview, \_\_\_\_\_ was scared and felt uncomfortable about confronting \_\_\_\_\_. They stopped at a coffee cart while \_\_\_\_\_ contemplated what to do. \_\_\_\_\_ decided to continue, but when they arrived at Rangeview, they had trouble entering the building and finding \_\_\_\_\_'s room.

When they finally arrived at \_\_\_\_\_'s room, \_\_\_\_\_ and \_\_\_\_\_ said there was a lot of noise and music coming from the room as if there was a party inside. \_\_\_\_\_ said she and \_\_\_\_\_ stood in silence in front of \_\_\_\_\_'s room for about 15 minutes. \_\_\_\_\_ said \_\_\_\_\_ really wanted to confront \_\_\_\_\_ but she felt too uncomfortable and scared. When someone exited \_\_\_\_\_'s room, \_\_\_\_\_ freaked out. \_\_\_\_\_ said, "We left very soon after that." \_\_\_\_\_ told PI during her interview, "I got too scared and didn't want to do it."

\_\_\_\_\_ and \_\_\_\_\_ said \_\_\_\_\_ still wanted to confront \_\_\_\_\_ and she discussed possibly sending a text message to \_\_\_\_\_ before going to confront him. \_\_\_\_\_ stated that she eventually realized that she did not want to confront \_\_\_\_\_. \_\_\_\_\_ said she never communicated to \_\_\_\_\_ that she believed he sexually assaulted her.

L. Friday, October 4, 2013, \_\_\_\_\_ Met with Project SAFE

\_\_\_\_\_ accompanied by \_\_\_\_\_ met with Maddie Palacios, Project SAFE coordinator on October 4, 2013. Palacios said \_\_\_\_\_ told her what happened with \_\_\_\_\_ but she did not identify him by his name.

Palacios said \_\_\_\_\_ reported that she told \_\_\_\_\_ on two occasions at the ATO party and at the GLOW dance that she was a virgin and did not want to have sex with him. \_\_\_\_\_ agreed to this and \_\_\_\_\_ returned to his room after the GLOW dance. \_\_\_\_\_ reported that \_\_\_\_\_ purposely took her through the maze back to his room to confuse her. Once they were inside his room, \_\_\_\_\_ reported that while

there were five penetrations by [REDACTED]. [REDACTED] said she thought about leaving the building, but she thought she could not exit without a key card.

Paleos said [redacted] became very uncomfortable as she spoke and Paleos told her not necessarily to her to provide a detailed account.

██████████ did not tell Patricios that ██████████ penetrated her anus, or many other details of that night. ██████████ said she tried to encourage ██████████ to reveal more information. ██████████ stated that ██████████ was suggesting the incident with ██████████ in what she was telling Patricios because she was afraid of getting him in trouble.

Padaratz said she discussed the redaction available to [REDACTED] such as counseling and a stay-away letter. Padaratz and H [REDACTED] was only interested in counseling, so Padaratz arranged a session for [REDACTED] at Emory. She said [REDACTED] was considering a stay-away letter, but [REDACTED] said she did not feel "unsafe" around [REDACTED] at that time.

2. Additionally, Confined between [REDACTED] and [REDACTED] prior to the Play-Away 1, 2006?

and she continued to sit rigidly on campus after the incident, especially on Fridays because she had a class in Redding every Friday. She said she was afraid of the God and at times had nightmares. Sometimes [redacted] would tell her in a very calm manner, and on one occasion he said, "Mr. [redacted] said she was especially vulnerable when she received his call." [redacted] said she was sitting in the therapy appointment. This incident is discussed in more detail below. [redacted] said she also received those last messages from [redacted] on October 6, October 12, and October 18, 2013. (Email) of She said she never responded to his texts/messages.

██████████ said she was bothered by the carjacking contact with ██████████ because ██████████ said she did not believe ██████████ was a kidnapper. ██████████ said while she and ██████████ were still at the running track, they intentionally ██████████ ██████████. ██████████ was still at the Q & A device, she probably asked him to remember to say, "I'll be here on campus," or "I will be at the law firm," but she did not ask him to do this after the incident in the room; ██████████.

██████████ stated the day after, she attempted to confront ██████████, she ran into him at San Diego on October 3, 2013. ██████████ said she believed in a friendly manner so she could obtain his contact information in order to confront him at a later date. ██████████ told ██████████ that he never sent her a text message after she put her number in the phone while they were at the GLOW dance. She asked ██████████ to send her a text message from his phone. ██████████ denied her his name. ██████████ (Exhibit 3) said they started dating and ██████████ asked him to get her a bracelet in the court. ██████████ said she could come back some time to get it. But ██████████ responded that he could keep it.

██████████ said she later received a text message from ██████████ at 3:24 a.m. on Saturday, October 12 (Exhibit B). The last text message she received from ██████████ was on Friday, October 18, 2013, at 9:21 p.m. After she saw him at Enchanted, ██████████ wrote, "Hey you want advice on class sabbath? I'm your guy!"

## Additional Instructions

[illegible][illegible]

██████████ said ██████████ seemed "hearty" or eating ██████████. Largebill DeFazio said ██████████ could not keep thinking about winning into ██████████ around campus and that she was always "nervous" about it. ██████████ said ██████████ initially thought her ongoing run-ins with ██████████ were "conditional" but later viewed it as more like "stealing."



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██████████ said when ██████████ spent the night with him, she asked him that night and the next morning to sleep through with her by cutting "4." (He saw her on campus, ascending her a text message.

On Oct. 16, 2013, [redacted] called on Ocasio, [redacted] reached out to him and put the phone number into his phone with a few more good contacts in his name. [redacted] and [redacted] then sent him a text message with the phone number and sent him a follow-up text message. One text was on October 15, around 2:00 pm, [redacted] said he was "down to call." [redacted] recalled the next day he had drunk coffee the same day. [redacted] said his last text message was on Oct. 16, 2013, at 10:21 pm. He offered to help [redacted] with her class selection after finding out she at Emerson.

██████████ and ██████████ denied response to his last messages. After he left around 10:00 a.m. on 11/11/01, ██████████ said she also did not respond. ██████████ was not interested in him and she stopped trying to contact him.

### Additional Information

[illegible]

\_\_\_\_\_ and \_\_\_\_\_ was upset by \_\_\_\_\_ non-responsive behavior. \_\_\_\_\_ said \_\_\_\_\_ did not respond to \_\_\_\_\_ since he was \_\_\_\_\_, \_\_\_\_\_ said \_\_\_\_\_ had previously \_\_\_\_\_, \_\_\_\_\_ said \_\_\_\_\_ told \_\_\_\_\_ to \_\_\_\_\_ because she did not respond to him when he saw her on campus.

**K. Friday, October 18, 2019** Encountered [REDACTED] at Emprings

We have provided a detailed summary below regarding one specific incident that occurred between [redacted] and [redacted] that occurred at [redacted].

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██████████ said she went to a group for her therapy appointment and ██████████ met her the following week. ██████████ was interested in talking to her about her job and class selection. ██████████ said she proved him by claiming a game on her phone, but he did not follow and continued speaking to her. ██████████ said she responded to him with a long monologue about her life and her feelings. ██████████ said she was not alone with anyone and was answering to his questions, and continued talking about playing the game on her phone. ██████████ said she felt uncomfortable around him and talked to her therapist about what happened. She and her therapist decided ██████████ should be treated as a sex deviant, and ██████████ said she was going to report ██████████.

**Additional information**

██████████ is alleged to have communicated with ██████████ at Enmons with Professor ██████████ ██████████ and in a text message to the Enmons ██████████. According to a text message on October 18, 2015, from ██████████ to ██████████, "More, Gerald, I'm here for an appointment and so is ██████████" and in a message to me, (Exhibit 5).

[illegible][illegible]

Palacios said she and [REDACTED] requested a stay-away order from the Title X offices and it was issued on the same day, October 28, 2012.

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21 **Account** **6361265**

During his interview with P.I. [redacted] said the last time he spoke to [redacted] was at Emmons. He said he had a friendly conversation with [redacted] in the waiting room, regarding prison and the different classes and departments he lived in. He said he gave [redacted] his last bar message, [redacted] offering to help with his class selection. Emmons b. 9). He said she did not respond.

### **Additional Information**

[redacted] reads [redacted] and [redacted] said [redacted] was upset b  
[redacted] towards him at Etmonds, and tell "disrespected by."

\_\_\_\_\_ said \_\_\_\_\_ complained that \_\_\_\_\_ knocked or "knocked him down" when he saw her around campus, that Emmons was one of two individuals cited by \_\_\_\_\_ for sexual harassment. \_\_\_\_\_ said the first incident cited by \_\_\_\_\_ involved \_\_\_\_\_, who, when they saw each other on the Quad, Schaefer said \_\_\_\_\_ "laughed" and when they saw each other, did not do anything. \_\_\_\_\_ said that \_\_\_\_\_ was "kind of" using alcohol, did not do anything and happened at Emmons' house.

[illegible]

§ 87(2)(b) sold as a result of § 87(2)(b) behavior at Emmett's. § 87(2)(b) was "passed and not doing to see § 87(2)(b) again."

October 28, 2018, [REDACTED] complained to Palacios at Project SAFE about Stay-Away Letter.

A stay-away letter dated October 28, 2013, was issued to [REDACTED] on behalf of [REDACTED] (Exhibit 11)

The following day, on October 29, 2013, [REDACTED] visited the Dean of Students Office, but he was referred to Project SAFE by Laurel Sandoz, an administrative

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██████████ was concerned about sexual bias against men on campus, and Saneto suggested he speak to Palacios, as a possible advocate, about it.

[illegible]

### Palazzo! Account

Palacios stated she did not know the Samples, and with a few exceptions, did not respond at 1:17 p.m. Palacios wrote that Project SAFE was not the correct office to respond to because she is the advocate for the survivors only. (Exhibit 12). Palacios wrote that she would send [redacted] to the Knoxville to the Dean of Students Office.

Plaintiffs state that around 1:45 p.m. [REDACTED] interrupted into the Project SAFE office hallway. She stated [REDACTED] explained to the Dean of Students Office clerk him to tell [REDACTED] and quizzed and quizzed [REDACTED] that Project SAFE was not the right office to turn around and had him back to the Dean of Students Office. [REDACTED] X office.

Parsons said [redacted] ignored her and continued talking [redacted] and her [redacted] wanted to get you there a lot of days towards men on campus. Parsons reported that [redacted] he felt that way, and [redacted] repeated that their choice was not the right place because she was an adolescent (a victim of sexual assault). [redacted] responded angrily, "Why not? I am a victim!" [redacted] explained he would do "any" other job and leave.

[illegible]

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Palacios said for the next 10 or 15 minutes, [REDACTED] was "infuriated" and "proclaimed at her 'very loudest'" and in an "aggressive manner." She said he also used profanities to complain about the stay-away letter and the related incident, ridiculed the campus sexual assault policy and Project SAFE, and made a series of derogatory "rants" about the educational poster depicting "rape myths" that was on the wall near Palacios' office. (Exhibit 43)

Palacios said [REDACTED] pointed at the poster and said, "This is bullshit. How are they the victims? Men are victims. Men are expected not to do anything at the end of the night." He said, "We're the victims here. These girls wear whatever they want and they leave us all night and they expect us not to get anything." She said [REDACTED] made additional comments such as, "The girls owe him something." Palacios said [REDACTED] made other comments related to "rape myths," but she could not recall them.

Palacios said she tried to stop [REDACTED] from commenting on the stay-away letter and the incident because of her role as an advocate for [REDACTED]. But [REDACTED] would not stop talking. [REDACTED] told Palacios he did not do anything wrong because nothing ever happened that night. He said, "I don't even know this girl." He complained that the stay-away letter did not provide any explanation as to what he was accused of doing.

Palacios said [REDACTED] denied Project SAFE by stating, "This office is bullshit. It's only for women. What about the men?"

Palacios said [REDACTED] also made some "graphic" comments regarding his sexual encounters with women. Palacios said she recalled part of a statement that [REDACTED] made regarding how he had never been with a girl and left her bruised afterwards, or that he did not leave bruises when he was with a woman.

Palacios estimated that she told [REDACTED] to go back to the Dean of Students Office or the Title IX office at least four times, but he refused to leave Project SAFE.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Montoya's Account

Montoya stated that he was present in the Project SAFE trailer when a male student entered and began yelling and screaming at Palacios. Montoya said he was seated at a desk doing homework behind a large fabric curtain that divided the trailer. The office entrance and Palacios' office are located on the other side of the curtain. Montoya said he did not see the male student, and he did not know the identity of the male student. The student did not see Montoya.

Montoya said he heard the male student tell Palacios that he was informed by letter or email that he had been accused of a sexual assault on campus. Montoya said Palacios was explaining her role as an advocate. When the male student "erupted" on Palacios and started yelling and screaming loudly, Montoya said their discussion "started spiraling."

Montoya said the male student immediately went on loud "rants" addressing a random assortment of topics such as the sexual assault allegations against him, his

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were always evident. Montoya said he was shocked the male student made the "rape myth" comment at Project SARE because the office's purpose was to educate students that "rape myths" are false.

Monday, and the committee he notified the most were students. The other students made about not having to believe or the whether he has had actual relationships with. The most student said, "There were no business, I didn't like or anything," so that's not right, neither not sexual assault."

Montgomery said he remembered a series of comments by the male student that seemed to refer specifically to the legal or sexual allegations against the male student. The male student said, "He can't hurt his girl and he was very respectful towards her." The male student explained that the female student seemed "really into" the "sit of the student's" she stopped. When the female student got up or "went walking" because she didn't like it, the immediately stopped it or "stopped going." The male student said he did not force the female into the room, or "forced her" to have sex with her. Montgomery said the male student told him the "confident about not leaving any 'brakes'." The male student told DeLashin, "You can ask anyone who's been with, that five has talked relationships with, I'm really a respectful guy and I was absent."

Identifying a state like this, students said the situation was "so unfair" and the "educators were 'holding hands' and 'tucking their heads' because the kids 'too everything' and didn't trust anybody." The male student then asked Fiala, "What if I want to be a sexual assault charge on me? We're both drunk and she convinced me." The male student continued, "You guys can't help me out.... This is terrible."

Monday's said the male student said the other on campus were the real victims. The male student complained, "If she goes back to this room and either one of them can you suspect me to think nothing is going to happen?" This male student said, "And are the victims because they are not expected to do anything at the end of the night." Monday's said the male student then complained about a friend who got "kicked

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Meeting and the male student who modeled Palacios and Project SAFE by making comments such as, "What the fuck do you even do? This is fucking bullshit. What is your job?"

## 3. ACCOUNT

██████████ stated that when he received the story early last year, he sought assistance from the Oregon State Sheriff's Office, but they referred him to Project SASE. ██████████ said he spoke to Palomares because he was trying to understand why he (second) was being sent there. He said he became upset when Palomares said she could not help him because his job was only to help criminals. ██████████ said, "I was frustrated and angry and I got loud."

\_\_\_\_\_ said he felt there was "no justification" for the stay-away tactic and he felt "under attack."

Further commented that the allegation that he made various comments to "Patients at Project Safe was 'Inappropriate'."

██████████ said he made comments to Palacios that he "disparaged" and that "being a glib makes you an authentic shenny on campus." ██████████ also said that he "makes a constant challenging ProjectSAFE use of the term, 'survivor,' and said that he 'committed to violent crime.'"

going to leave because she didn't like it. I immediately stopped or stopped trying." He stated this was the attempt to go back to Palmdale about a situation that regularly occurred in his past sexual relationships with both of his ex-girlfriends. ■

■ In the past sexual relationships with both of his ex-girlfriends, ■ said he was not involved in intercourse and the sexual partner told him to stop because sex was hurting. He stopped

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**Said he did not take the following conditions:**

"These girls wear whatever they want and they leave us all night and they expect us not to get anything."

“I never quite walked away with the expected US not to get anything.”

There were no buses, I didn't hear of anything so that's not true. That's

The girl was really into it. And then, all of a sudden she stopped.

If she goes back to the room and catches me all right, how did you expect me to think nothing's going to happen?

●

[REDACTED]  
 [REDACTED]  
 [REDACTED]

\_\_\_\_\_ and his racket was a series of hot messes as far as \_\_\_\_\_ was that day starting at 4:55 p.m. (Exhibit B). \_\_\_\_\_ went to Calabasas office and worked and rushed back to \_\_\_\_\_ to inquire about the top of the ladder. \_\_\_\_\_ and \_\_\_\_\_ discussed what happened between them. Apparently someone being in his room and that she came in anyway after discussing the center for a few minutes. \_\_\_\_\_ wrote: And we said he likes to come behind a girl's back. So his girlfriend \_\_\_\_\_ was surprised that \_\_\_\_\_ and \_\_\_\_\_ in front of her instead of behind her. \_\_\_\_\_ and \_\_\_\_\_ was an innocent and up not a racist or a ego, and that she was an innocent and up not

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P 808 41

4. Additions: Contact between [redacted] and [redacted] after the Stay-Away Letter.

Account

██████████ stated that after his stay away, notice was issued on October 26, 2015, stating that ██████████ regularly on campus. She estimated that she had run-ins with ██████████ at least once a week and on those days she saw him up to six times a day.

██████████ said on more than one occasion, while she was walking on the Quad with friends, ██████████ would walk "super super close" to her. ██████████

██████████ said in mid-November 2013, she was alone on campus during the evening when a car accident was detected when she saw ██████████ approaching. She said she tried to move away from him. She said she was walking with headphones on and was talking to her friend. She said ██████████ walked up to her and put his hands on her face. She said she was moving and she heard his sounds of his voice, but she didn't know what he was saying. Because of the noise in the neighborhood,

## Account

██████████ stated that he did not contact ██████ since the early 1970's when was arrested. He did not recall intentionally making close (██████████) or multiple occasions. He recalled one incident when he stood in the back of ██████ in the office car and ██████ withdrew away. ██████ said he did not go to it intentionally. He said he was surprised to find out that ██████ was just concerned on getting my body.

## Additional Information

There were no witnesses who observed [redacted] contacting [redacted]

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On November 7, 2013, [redacted] sent her a text message stating that [redacted] was trying to get close to her on campus. (Exhibit 6) [redacted] was not really close, and then, they walked around. [redacted] said she did not feel threatened. [redacted] was trying to make a point that he was there.

[illegible]

Passes and she and [redacted] went on arrival to her friend, Tilly N. Coonahan, at Lawrence Center, on December 18, 2013, at 11:57 a.m., and reported that [redacted] continued to bother [redacted] until the day-glow bottle was released. (Exhibit 16)

[illegible]

IV. **FACTS:** January 31, 2014, [REDACTED] filed a Complaint against [REDACTED]

██████████ said she decided to file the complaint against ██████████ when she observed ██████████ behave strangely towards a female student at the Glendon Beach

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[illegible][illegible]

██████████ was arrested on a warrant issued from ██████████ on February 13, 2014. (Exhibit 6) While in custody, ██████████ had filed a criminal complaint against ██████████. ██████████ must do his best to stay away from the ██████████. If the stay away order is continued in its current form, it did so because "after the stay away order was continued in its current form, it was in the best interests of the community." (Exhibit 7)

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On March 29, 2014, during a pre-interview with [REDACTED], [REDACTED] provided the names of a woman with whom he had sexual intercourse, [REDACTED], residing in the area/region of [REDACTED]. [REDACTED] stated that he had sexual intercourse with [REDACTED] on several occasions, but he did not recall sexual intercourse with [REDACTED] in the past. Several days after the interview, [REDACTED] requested that the FBI interview this woman. (Bureau Occidental) conducted an interview with [REDACTED] on April 1, 2014. [REDACTED] stated that [REDACTED] was a student at the [REDACTED] campus. (Bureau Occidental) conducted an interview with this woman by phone.

The woman explained that she had been a victim of sexual assault in her high school. She said that she was surprised that [redacted] was being accused of sexual assault. She expressed reluctance about being involved in a title IX investigation, and said she did not want her name used, or to be involved in a trial. She said she did not want to have public the school's name and often sexually assaulted.

[illegible]

On April 2, 2014, the informant advised Agent Feltner and advised stating that the process had been a "rigger" for her. [REDACTED] The informant advised that she needed to evaluate her role prior to being interviewed. She did not re- contact Feltner and agreed to be interviewed.

## VI. Information from the College

## A Sexual Assault Prevention Training

The [redacted] Office informed [redacted] that both [redacted] and [redacted] had participated in a federal criminal training program on workshop entitled, "Think about it."

**Partners Evidence**

According to the College's Second Mission Statement, "In recognition of its excellent preparation of our students of responsibility for ethical conduct by the responsible and proper use of technology, the Information Office requires that College staff not identify a price for the equipment required."

## VII. List of Exhibits

1. Email Correspondence between [REDACTED] and Plaintiff 4, dated April 5, 2015.
2. Transcripts of Interviews with Defendants [REDACTED], [REDACTED], [REDACTED], and [REDACTED] provided by the Respondent.
3. Floor Plan of Rangely Hall.
4. Key Card Data for the Respondent for September 29, 2013.
5. Multiple Text Messages between Plaintiff [REDACTED] and the Complainant on Various Dates.
6. Complainant Needs to Proceed from Empire Student Wellness Center and Relevant Documentation.
7. Facebook Message from the Complainant to Whitness [REDACTED] on October 3, 2013.
8. Multiple Text Messages Received by the Complainant from the Respondent on Various Dates as shown on the Complainant's phone.
9. Multiple Text Messages Sent by the Respondent to the Complainant on Various Dates as shown on the Respondent's phone.
10. An Email from Professor Sharda Kumar to ProjectSAFE Coordinator Neelika

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12. Email Correspondence between former College staff, Lomita Santos and Project SAFE Coordinator Nadia Palacios, on October 29, 2013.
13. An Educational Poster that was displayed on the Wall of the Project SAFE Office.
14. Campus Safety Incident Report on October 29, 2013.
15. An Email from Palacios to then Interim Title IX Coordinator, Lauren Canella, regarding the Respondent, on December 13, 2013.
16. Stay-Away Letter Reminder Emailed to the Respondent by Dean of Students Office on December 13, 2013, and Additional Correspondence.
17. Email from Interim Title IX Coordinator Lauren Canella to Tess Langseth DePaeis regarding a SEAN Report about the Complainant on September 24, 2013.
18. Signed Release Form by the Complainant regarding Emmons Medical Records.

**CONFIDENTIAL MEMORANDUM**

TO: Ruth Jones  
Title IX Coordinator  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 15, 2014

RE: Sexual Misconduct Policy Complaint  
PII Case No. 14-4235

SUBJECT: Interview Summary of [REDACTED]

[REDACTED] was interviewed on February 13, 2014, at Occidental College by LJ Fellers and Keith Rohman of Public Interest Investigations, Inc. (PII). [REDACTED] was accompanied by her Advisor, Nadia Palacios.

A follow-up interview with [REDACTED] was conducted on April 3, 2014, by Fellers. [REDACTED] was accompanied by her Advisor, Palacios.

**Background Information**

[REDACTED] is an 18 year old freshman at Occidental where she is planning to major in theater and biology. Her housing assignment is Pauley Hall on the [REDACTED] floor. She arrived on the campus on August 18, 2013, to participate in OxyEngage, a pre-orientation program.

**Early Contact with Respondent - Late August 2013 to Early September 2013**

[REDACTED] stated that her first contact with the Respondent [REDACTED] came at a party she attended in late August at a group house where some women on the women's rugby team live. [REDACTED] was there with a large group of freshman when [REDACTED] approached the group and told them to leave the party because there were "too many freshman" there. While some of the group left, [REDACTED] and a friend stayed because they knew the host of the party. Sometime later [REDACTED] said [REDACTED]

Throughout her account, [REDACTED] 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.

Interview Summary of [redacted]  
Public Interest Investigations, Inc.  
Page 2

approached her and asked, "Are you a freshman? There are too many freshmen here." [redacted] said she walked away without responding. [redacted] said she did not believe [redacted] was approaching her specifically that night but was "just having a drink."

[redacted] said she thought to herself, "This guy's a jerk." [redacted] then saw [redacted] two weeks later in early September, at a poster sale on campus. He approached her and said he was working at the poster sale and offered to help her find a poster of a music group, Nirvana. [redacted] didn't believe that he was actually working at the sale, but he did help her find a poster she was looking for. [redacted] had a "friendly conversation" about Nirvana and about New York, which [redacted] was looking for a poster of, and how New York City compared to Los Angeles. [redacted] remembered [redacted] from the party.

She said after they purchased their poster, they each went their own separate way.

[redacted] said she then saw [redacted] about a week later, when she was walking through the Quad and saw him sitting on a bench. [redacted] said [redacted] saw her and they exchanged greetings. She said she asked [redacted] what he was doing, and he responded that he was doing the reading. She asked him how many people he had to read, and he told her 60 pages. She told him that [redacted] said "goodbye" and walked away. She said the conversation seemed normal.

[redacted] stated that none of these conversations involved an exchange of phone numbers or other contact information, or any plans to see each other again.

AIO Party - September 27, 2013

[redacted] attended a house party at the AIO fraternity house, which was within some days of the incident detailed below. [redacted] stated she believes it was on September 27, the night before the incident. She went with a group of a dozen friends, including [redacted] several women, the members of the football team, and several prospects, or

prospects. [redacted] said she had been drinking a lot before the party. She stated that she had never been as drunk as she was that night. She stated, "It was not a good night." She stated she was afraid of how drunk she was and asked one of her football team friends, [redacted] to look out for her that evening. She said she told him something to the effect of, "If you see anyone being creepy to me, look out for me."

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the party before that moment. [redacted] was dancing near her and looked over to see if she was okay. [redacted] said she indicated to [redacted] that she was fine dancing with [redacted]. She noted she had several casual contacts with him and did not have a problem dancing with him at that point.

However, within one minute of [redacted] beginning dancing with her, he grabbed her and started kissing her. The kiss lasted for what [redacted] described as a long time, and estimated as lasting two minutes. She stated [redacted] had his hands around her head and was kissing her really forcefully. [redacted] he squished his face against her head of hair. He also inserted his tongue in her mouth, but he wasn't touching her or groping her, beyond having his hands around her head.

[redacted] stated that she did not object to [redacted] kissing her at that moment, nor did she react with shock in any way. She stated, "I was so intoxicated, I was really drunk and I was very up with the flow at that point." She stated the two stopped kissing for a moment and made small talk before they began kissing again.

[redacted] Orientation team (OT) leader [redacted] [redacted] saw the two of them kissing when another student tapped her on the shoulder and pointed [redacted] all, saying to her, "Isn't that one of your OT people?" [redacted] approached [redacted] and [redacted] saw her looking at [redacted] confused and concerned. [redacted] stated, "She saw me and she was really surprised and looked at me like 'What was going on?' but I didn't care and we continued to kiss."

[redacted] stated that after [redacted] walked away, the song changed on the music, and [redacted] asked if she wanted to go to his room. [redacted] stated that she told him, "No, I am a virgin and I don't want to have sex with you. If you want to have sex, you should find someone else." [redacted] responded, "That's ok, I respect that." He then asked her if she still wanted to hang out with him and she said no. The two then parted.

[redacted] stated that the entire exchange with [redacted] lasted about five minutes from when he first started dancing with her until he walked away.

After [redacted] walked away, she went into another room. She stated she found her friend [redacted] and [redacted]. She said she told [redacted] "I kissed a junior." [redacted] and [redacted] exchanged high fives. Soon after this, [redacted] got back out on the dance floor. She stated that as she was dancing, she looked over and saw [redacted] leaning up against a wall, talking to his friends and looking at her. She said she felt like [redacted] was "staring" at her with an expression that she thought meant, "She just kissed me and

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W. Dancie was a big event on campus, and she was planning a lot of students who were with her at the ATO party, including said Sargent, said she (Dancie) hung out with some of the party, including [redacted], and planned to go to [redacted].

[illegible]

polished when she arrived at the party. She stated, "I was getting pushed by people when I was dancing. It was really bad." She noted that all dancing systems involved the entire girls' squad and the group of people she came with. She and the group of friends who accompanied her to

She asked him, and apologized for not remembering it. He told her that she didn't remember his name because, she had fought before at the ATO party. [redacted] said [redacted] applied that since she was not drunk, but she was pregnant, she gave [redacted] her telephone number and in a winning emotion.

continued kissing and dancing when he asked her to. ■  
 ■ stated she gave ■ the same response she had

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the prior night. She stated: "I told him I was a virgin. I don't want to have sex with you, that's what you want, you should find someone else." She stated he responded to her by asking "She would be okay, if we were really, just making out." [REDACTED] said she responded by asking him if he was "sure that was all he would ask her for." He responded that he would, and that "I was forced to go to anything else." She stated she then agreed to go with him to his room to make out.

§ 87(2)(b) said she and § 87(2)(b) were standing in a middle of a group of friends who were all dancing and socializing while they had this discussion. She noted that many was playing and her friends were busy socializing with each other so she did not know whether any of them could have overheard her conversation with § 87(2)(b). She noted that her friend § 87(2)(b) was kissing someone else at the same time.

█████ stated that █████ did not appear to be drunk or high at any point during their conversations. She stated, "He kind of like gets the same all the time, no matter what, he is like, 'He always at that same level drunk or sober.'" She stated that at that point she was able to see █████ and had not yet begun to feel the effects of the marijuana candy she had eaten.

\_\_\_\_\_ also told \_\_\_\_\_ what he had recently seen her at The Coder and that made eye contact with her, but she hadn't said anything to him. \_\_\_\_\_ said that she did not know \_\_\_\_\_ as anything kind of disappointed that she hadn't remembered his name and hadn't said hello to him at The Coder.

[illegible]

### Events in ~~the~~ Room at Rangview

### Early Events in **AB Room**

██████ recalled that it took the pair about six minutes to walk to ██████'s dorm, using a shortcut to the other side of campus. As the two walked, she stated, "We talked about really random stuff." She stated, ██████ asked her if she believed in God, and she told her he did not. She said she thought the conversation was "really random" and "strange." At one point, they started chasing each other up the hill.



took her on a circumlocous path. She recalled saying, "Why does it take so long to get to your room?" and [redacted] responded that he lived on the top floor.

[redacted] stated that by the time she reached [redacted]'s room, she could feel the marijuana candy begin to have an effect. She stated she started feeling extremely relaxed, and events seemed to take longer than they really were. She stated that as she entered the room, she could feel the drug kicking in, but that it did not have full effect until later.

[redacted]'s room is part of a wing. [redacted] had his own room off a central hallway shared with two other roommates who each have their own room. [redacted] said she observed one of [redacted]'s roommates passed out on his bed as they entered [redacted]'s room.

In [redacted]'s room, [redacted] said she and [redacted] began making out while standing up with their clothes on. [redacted] then said they should sit on the bed which they did. [redacted] stated that they continued making out of the bed and he started to remove her clothing. [redacted] said she may have commented to [redacted] to remember to say, "Hi," to her when he sees her around campus.

[redacted] stated that the two of them did not talk at this point about what they were going to do together sexually. She had only been in the room for a minute when [redacted] started removing her clothes on the top half of her body. She stated that she had on a halter top, a bra, and a pair of pants. [redacted] was not seeing "rough" with her at this point. He also began removing his own clothes.

[redacted] stated that she had thought ahead about what else might happen while she was with [redacted] and had decided that she would be willing to have oral sex with [redacted]. She stated, "I had thought to myself that I didn't have a problem with oral sex. I just figured that was what would happen." She said she felt okay with what was happening because she had already had [redacted] that sexual intercourse was "ruled out."

After [redacted] removed his clothes, he began touching her breasts. She stated this was ok with her, and went on for about five minutes. [redacted] stated she also touched [redacted]'s penis and fondled and played with it.

[redacted] stated that this was the period when she could really feel the marijuana candy take effect. She stated, "Everything felt more relaxed." He also started removing the clothes on the bottom half of her body. She was wearing a shirt, shorts and underwear.

then told [redacted] that since they weren't going to have intercourse, "well it's a pleasure each other," and he started to perform oral sex on [redacted].

[redacted] stated that [redacted] was using two fingers to perform oral sex on her, and he was hurting her as he did so. She stated she told [redacted] to stop and he did.

[redacted] stated that she sat up and put on one of [redacted]'s shirts. She was then sitting on his bed, trying to find a song on his music collection when [redacted] ripped his shirt off her, pulling the buttons off, and pushed her down on the bed. The two continued making out at that point.

[redacted] stated they had been together for about an hour, and were both sitting on the bed talking. At one point he was blowing her where he was from on a weird map on the wall. She stated [redacted] began saying really weird stuff about who he wanted to be and how he was contemplating being evil for the rest of his life. He said he had an "epiphany" about this during the summer.

[redacted] was troubled by his comment stating, "I thought that was kind of a weird thing for him to say." She stated she told [redacted] "I don't know why, I'm in the room, and I started to stand up and get off the bed. She said she was planning to get up and leave the room at that point. She stated she got to a point where she was almost fully off the bed and into a standing position when he pulled me back very forcefully. He used both of his hands on either her shoulder or her waist to pull her full body back onto the bed. He told her "NO, no, stay. You are good company. Later during our interview, [redacted] stated, "When he pulled me back at the beginning, that was really forced. I felt like I was trapped there that night."

[redacted] went on to say whether during in which [redacted] described as a "fun" about how "he was the outsider" at the previous school he attended where he was the darkest person in the class. He talked about how he tried to be friends with all these white people, but that he now hated white people. [redacted] said that as [redacted] was talking about these issues, "I was not feeling comfortable at all."

#### First Vaginal Penetration:

Along point, [redacted] said he was sorry, and the two started kissing again. [redacted] said [redacted] was "feeling her" up, touching her vagina with his hand, and inserting his finger into her vagina. [redacted] stated that she had her eyes closed as he did this, when she "felt something harder" than his hand inside me. She said she realized that

that she was a virgin and said, "I couldn't even go to bed. Why would I use a condom?" [redacted] said she told [redacted] and he responded by apologizing. He told her she and [redacted] were just going to pleasure each other.

minutes after the first penetration, the marijuana candy had [redacted] and she alternated between feelings of as she described it, "what is going on?" However, [redacted] said she did not believe a factor in the incident because it did not influence or inhibit [redacted] behavior towards her more than [redacted] said. [redacted] is recovering the marijuana candy, [redacted] said. [redacted] is suspicious to my surroundings.

he has a history of panic attacks, she sometimes gets very [redacted] drunk or high. She began feeling that way at this point [redacted] started to freak out, and she told him she didn't feel good [redacted] and suggested she smoke some marijuana, but she [redacted] and the two started to kiss again. She stated, "then he [redacted] in the again, I said to him, 'I don't want you to have my virginity' [redacted] responded, 'Why should you virginity' [redacted] said that [redacted] he had broken her hymen, and he said, 'I don't know' [redacted] said [redacted] stated he had taken one of his virginities [redacted] said [redacted] what she thought he look her [redacted] said [redacted] second penetration was 30 to 40 minutes.

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she began feeling really uncomfortable, and telling him [redacted] said that he would not do that again. She stated the [redacted] second penetration was 30 to 40 minutes.

and the two started to kiss again. She stated, "then he [redacted] in the again, I said to him, 'I don't want you to have my virginity' [redacted] responded, 'Why should you virginity' [redacted] said that [redacted] he had broken her hymen, and he said, 'I don't know' [redacted] said [redacted] stated he had taken one of his virginities [redacted] said [redacted] what she thought he look her [redacted] said [redacted] second penetration was 30 to 40 minutes.

penetration

and oral sex or [redacted] with his penis in her mouth for just one [redacted] stopped her because he had to go to the bathroom [redacted] then got up and as he walked away, he stopped and turned [redacted] "Why [redacted] can I pee on you?" She told him no and asked, "Why [redacted] was in the bathroom, she thought to herself, 'It was [redacted] she then realized that she needed a key card in [redacted] and only [redacted] could let her out of the dorm. She also [redacted] She said she realized that [redacted] would not let her leave [redacted] tried to leave and he stopped her. She stated that she tried to [redacted] unhappy and confused. She stated that [redacted] is a very [redacted] does not appear on the surface to be a horrible person [redacted] s to make the other person feel something bad, and to blame [redacted] was scared and fearful.

is a first penetration of her vagina with his penis, she thought she [redacted] then when [redacted] said he didn't care about her virginity, she [redacted] to herself, "Oh my God, who is this guy?" She stated she [redacted] was trying to calm herself and say that things were okay, and [redacted] her mind.

was in the bathroom, she thought to herself, "It was [redacted] she then realized that she needed a key card in [redacted] and only [redacted] could let her out of the dorm. She also [redacted] She said she realized that [redacted] would not let her leave [redacted] tried to leave and he stopped her. She stated that she tried to [redacted] unhappy and confused. She stated that [redacted] is a very [redacted] does not appear on the surface to be a horrible person [redacted] s to make the other person feel something bad, and to blame [redacted] was scared and fearful.

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in the bathroom, [redacted] said he started going on about [redacted] about how [redacted] was coming him by refusing to have [redacted] raised his voice in what she described as a "whiny" [redacted] being mean to him by her refusal. He told her, "He then said, 'You at least have to have anal sex with me.' [redacted] then said, 'You have to [redacted] I don't want to, he told her, 'You have to [redacted]'

led to have anal sex with [redacted] because she felt pressured. She said she felt like she could not say no. [redacted] said by this [redacted] was exhausted and tired and wanted to sleep. [redacted] said [redacted] unable to leave [redacted] without the use of [redacted] [redacted] would not let her leave because he had stopped her from [redacted]

us with his penis in a few minutes, but as he did so, [redacted] put, and he stopped. He removed his penis and complained to [redacted] in all the way in [redacted] said she did not ask him if she lost [redacted]

up and told [redacted] to give her clothes to her. He then began [redacted] of her. This was the only time he ejaculated that [redacted]

that she was wrapped in [redacted] [redacted] and unable to leave, [redacted] and laid down fully clothed on [redacted] bed and went [redacted] sleep on the bed. He was naked.

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[redacted] ended when she woke up the next morning and thought she [redacted] first. The blinds were open, and the sun was shining in [redacted] and said, "Hi, how are you?" She asked [redacted] "I'm well," [redacted] said. [redacted] X poster he had on his wall, talking again about how [redacted] This lasted about two minutes.

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skin complexion. As he said this, he began pulling down her [redacted] to insert his penis into her, again again. She stated, "He [redacted] not high anymore, so I completely pushed him away." She [redacted] [redacted] asked her to stop, and he pulled [redacted] she began pulling up her underwear. [redacted] said that [redacted] said, "Okay, fine." He asked her what she wanted to go and [redacted] [redacted] She said no and told him that she wanted to get [redacted] [redacted] told her, "I don't want to have breakfast with you."

[redacted] described her out of Runggerlaw using a shorter and simpler [redacted] comparing one he used the night before. [redacted] said the route [redacted] took two seconds for them to walk from his room to the exit. [redacted] told that [redacted] had intentionally used a circuitous route to [redacted] it would be harder for her to leave. She said, "I fell tripped [redacted] I could do to leave."

led her back to her dorm room at Bailey Hall. As they parted, [redacted] said she was shocked by [redacted] comment.

-Evening of September 29, 2013-

back to her dorm room and both of her roommates were not [redacted] it back to sleep and woke up at 1:30 a.m. She said she did [redacted] not with her friend [redacted] to the swimming pool and [redacted] asked [redacted] stated she did not believe that she had been raped [redacted] also saying that the guy was really weird. [redacted] stated that [redacted] did while at The Cooler.

friend, [redacted] that night to watch the season finale of [redacted] she told [redacted] about some of what happened with [redacted] [redacted] that [redacted] did to her as "weird," "mean," and "freaking." [redacted] would go on these "trips" and about how scary and was for [redacted] [redacted] would never do that again.

d not initially describe what had happened to her as rape. She [redacted] that night it didn't really hit me until later that night [redacted] fully forced himself on me. He violated my body."

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Emmons Student Wellness Center - October 2, 2013

On Wednesday, October 2, 2013, [REDACTED] saw that she had started bleeding vaginally. She was not due for her period and noted that she had been taking birth control pills regularly, and she had not skipped a day. She also said that her vaginal area was "red and puffy." She stated she was upset at this point, and that this Wednesday was the worst day ever for her.

[REDACTED] said she went to Emmons Student Wellness Center and asked for a pregnancy test, a Pap smear, and a STD test. She said she took the pregnancy test, but not the STD test or the Pap smear, because the staff who did the STD test was not there. [REDACTED] said she explained to a nurse that she had unprotected sexual intercourse with a man for the first time, and her vaginal area felt irritated and she was bleeding. She described the bleeding as "not a lot," but enough to cause concern that she should have it checked out. She met with a doctor, but was not examined. [REDACTED] said she was concerned that the vaginal bleeding meant her hymen was broken and she asked the nurse at Emmons if her hymen was broken. [REDACTED] said she did not tell anyone at Emmons that she believed she had been raped. [REDACTED] said during the winter break, she saw her personal gynecologist in January 2014. She stated she told her gynecologist about what happened with [REDACTED] and she also requested an STD test. [REDACTED] said she tested negative for STDs.

After going to Emmons, [REDACTED] stated she was very upset. She stated she was finding herself breathing quickly and felt like she was having a panic attack. [REDACTED] stated later that afternoon, she eventually confided in her friend [REDACTED] about what had happened.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] told her that what happened with [REDACTED] was sexual assault. [REDACTED] said [REDACTED] sent a text message to her friend [REDACTED] (LNU) who worked with Project SAFE for advice. [REDACTED] said [REDACTED] set up a meeting for her and Nadeeda Palacios, Project SAFE Coordinator, for Friday, October 4, 2013.

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Thursday, October 3, 2013

[REDACTED] said she was feeling "really scared" about what happened. She said she confided in her friend [REDACTED] who was very upset by the incident. [REDACTED] told [REDACTED] that "maybe I could talk to him" [REDACTED] about it and say it wasn't ok for him to do what he did. He didn't seem like a scary person, but I felt like I could probably tell him that this is not ok to do that. She stated she wanted [REDACTED] to hear what she had to say directly from her, rather than in the form of a "stay-away" letter.

[REDACTED] said she and [REDACTED] walked over to Rangview so that [REDACTED] could confront [REDACTED]. The two entered the dorm, and saw [REDACTED] (LNU) a friend of [REDACTED] who was a residential advisor (RA). [REDACTED] asked [REDACTED] who she was looking for, and when she told him she was looking for [REDACTED], he asked her if he had done something to her. [REDACTED] said she told [REDACTED] that she can't really discuss it with him. He responded by asking her if she really wanted to confront him, and he encouraged her to go to Project SAFE. [REDACTED] continued to [REDACTED] s room, but when she got to the door, it was closed and she could hear [REDACTED] talking, and loud music coming from the room. She said she was concerned that [REDACTED] was drunk, and she stated "I got too scared and didn't want to do it."

Friday, October 4, 2013

The following day, [REDACTED] said she was still unsure about what she wanted to do about [REDACTED], but she still felt like she wanted to confront him.

[REDACTED] said she had a class in Rangview and she, an intro [REDACTED] and waved at him. She said she behaved in a friendly manner because she hoped to arrange a time to have a friendly talk with [REDACTED] about what happened. [REDACTED] wanted to tell him that what he did was not okay.

[REDACTED] told [REDACTED] she needed his contact information because he never asked her what she put the number on his phone on the night of the G.O.W. party. [REDACTED] told him [REDACTED] to be phone so she would have his contact information. She said [REDACTED] also told her that she left her boyfriend in the room and she could come back some time to get it. She told him to keep it.

Stay-Away Letter

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[REDACTED] said she saw [REDACTED] at the "Bible Study" and she saw him at the time especially on Friday when she had class at Rongview. She said she saw him at various places on campus such as the Marketplace and the Quad. When [REDACTED] saw her, he would wave at her in a friendly manner. One time, he said, "Hi, to her," and when she didn't respond he appeared disappointed. She stated that she did not believe he was running from her intentionally and it appeared to be random. [REDACTED] said at some point [REDACTED] asked her around 3:00 a.m. to say, "Do you want to hang out?" She did not respond.

[REDACTED] said she was nervous about the idea of getting a stay-away letter because she figured [REDACTED] would get really pissed.

[REDACTED] stated at some point, she went to her therapy appointment on campus at 4:00 p.m. and found [REDACTED] in the lobby for a walk-in appointment. She hadn't noticed him at first, and then saw him sitting next to a woman. She knew [REDACTED] greeted her saying, "Hi, [REDACTED] How are you?" She responded by saying she was great. She immediately signed in and tried to end the conversation with him by focusing on playing a game on her phone, but he kept talking to her. [REDACTED] said [REDACTED] discussed school and class selection with her. [REDACTED] did not seem to notice [REDACTED] was not interested in talking to him. [REDACTED] said she responded to [REDACTED] by saying, "I'm not," and focusing on her phone. She said [REDACTED] tried to talk to her and it was like, "Leave me alone."

Eventually, her therapist came out and saw [REDACTED] and [REDACTED]. When [REDACTED] went in with her therapist, she told the therapist that [REDACTED] was the person who had assaulted her. [REDACTED] said her therapist was shocked by this, and after the two discussed the issue, [REDACTED] decided to seek the stay-away letter. After their meeting at the main office, [REDACTED] asked [REDACTED] again to say, "If you need anyone to give you advice about class selection, I'm your guy."

The stay-away letter to [REDACTED] was issued on October 28, 2013.

On the stay-away letter issued - October 29, 2013.

[REDACTED] said the morning after the stay-away letter was issued, she was on campus walking to class when she saw [REDACTED] standing directly in front of her about eight feet away. She said they made eye contact and [REDACTED] then gave out an indignant huff and stomps off and sits on a bench. [REDACTED] said it was "really strange."

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[REDACTED] Violated the Stay-Away Letter - And November 2013

[REDACTED] said after the stay-away letter was issued, she continued to see [REDACTED] regularly on campus. [REDACTED] stated that she began to feel that her encounters with [REDACTED] were no longer random and [REDACTED] was "purposely trying to find [her]." [REDACTED] estimated that she had run-ins with [REDACTED] at least once a week and on those days, she saw him up to six times a day.

[REDACTED] said on more than one occasion she was walking for the Quad with friends and he would walk towards her, making super super close to her. She stated that he was trying to find ways to intimidate her and make her feel unsafe.

[REDACTED] stated that in mid-November, she was alone on campus one evening when she ran into [REDACTED]. She was going to a theater practice, but had arrived early and was waiting in a lobby corner area which is fairly dark. She said she saw [REDACTED] coming in her direction and tried to move as far away from him as possible. She was walking with her head phones on listening to music. She stated that at one point [REDACTED] walked directly up to her and got really close to her face. He said something to her and she could hear the sound of his voice and his lips moving, but she couldn't hear what he was saying over the music from her earphones. She stated she couldn't really make him out and she reported the incident to her advisors.

Filing the Complaint - January 31, 2014:

[REDACTED] said there were other incidents where she either saw [REDACTED] or heard about things he had done. In December 2013, [REDACTED] saw [REDACTED] approach a female student at the Green Bean and try to talk with her. She stated [REDACTED] was acting badly with the woman. She said the woman kept moving around to get away from him and he kept following her and getting in her face. She looked kind of scared. It was like really really weird.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Interview Summary of [REDACTED]  
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towards other female students [REDACTED]. She said she also concluded it wasn't healthy for him to be on the same campus with her.

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Investigations, Inc.

CONFIDENTIAL MEMORANDUM

TO: Ruth Jones  
Title IX Coordinator  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 15, 2014

RE: Sexual Misconduct Policy Complaint  
PII Case No. 14-4235

SUBJECT: Interview Summary of [REDACTED]

On March 20, 2014, [REDACTED] was interviewed via an online video conferencing service by Keith Robinson and Li Fells of Public Interest Investigations, Inc. (PII). [REDACTED]'s advisor, Debra Treas, was also present during the interview.

Background Information

[REDACTED] is a 21-year-old junior at Occidental College. He is the Respondent.

First Encounter with the Complainant

[REDACTED] stated the first time he met [REDACTED], the Complainant, was at a party held on campus in early September 2013. He was looking at posters and [REDACTED] was standing next to him. He started a conversation with her. They introduced themselves to each other and made small talk. They did not exchange contact information and they made no plans to see each other again.

ATO Party - September 27, 2013

[REDACTED] said the next time he encountered [REDACTED] was at a party at the ATO house. He said after the party [REDACTED] at the party, they started dancing and began making out for a while. He said after a time they stopped dancing and moved to a couch. He said he sat down and [REDACTED] sat on top of him and they continued making out. [REDACTED] said ATO is a place where people hook up all the time and that's what he did. [REDACTED] could not recall how long he and [REDACTED] were making out, but estimated it was about 25

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[REDACTED] said he and [REDACTED] talked while they were kissing. He said [REDACTED] commented that he was "really sexy." [REDACTED] said he thought that was nice to hear.

[REDACTED] said she was a virgin.

[REDACTED] made a number of different statements regarding the conversation he had with [REDACTED] at the ATO party. He initially stated that he invited [REDACTED] to leave the party with him by asking her if she wanted to continue the conversation. He stated that [REDACTED] replied that she was a virgin. After learning that [REDACTED] was a virgin, [REDACTED] said he told himself, "Okay, I should step away from this. I had enough fun for right now and I'll go be with my friends." [REDACTED] said he and [REDACTED] parted ways and he rejoined his friends at the party.

When questioned further regarding this conversation, [REDACTED] stated that he did not recall the specific question he asked [REDACTED]. He said he "probably" asked, "Do you want to get out of here?" He then said he maybe asked [REDACTED] to go back to his room but continued that he did not recall specifically asking [REDACTED] to go back to his room. He said he remembered thinking, "Do I want to hook up with a virgin (freshman)?" He said he thought it would be better to step away.

[REDACTED] stated, "I wanted to get more intimate" with [REDACTED] but said his intention was not necessarily to have sex. He said he wanted them to get to know each other better, and the ATO party atmosphere was not conducive to having a conversation. [REDACTED] said his intentions in leaving him to leave the party with him were to get to know each other to see if they have good chemistry. If we thought we enjoyed each other's company and put (we can) see how that progressed. However, he said when [REDACTED] she was a virgin, he was not interested in pursuing anything sexual with her. [REDACTED] stated that his invitation to [REDACTED] was "very specifically sexual" but sex was a possibility. [REDACTED] said he did not recall [REDACTED] saying that she did not want to have sex. He said, "She didn't say anything about having sex." [REDACTED] then stated that their conversation ended in an abrupt manner. [REDACTED] said, "I remember we were making out and then she said she was a virgin and we went out different ways." [REDACTED] then added that he remembered after they were kissing on the couch, the two had a conversation about what happened next. When [REDACTED] said she was a virgin, he stated there was a mutual consent to separate paths. [REDACTED] said, "I didn't think [REDACTED] wanted to take it a step further that night."

### GLOW Dance - September 28, 2013

[REDACTED] said he and [REDACTED] did not have any contact after the ATO party and prior to the GLOW dance. He and [REDACTED] did not go to GLOW together. [REDACTED] said he arrived at GLOW around 10:30 p.m. Prior to GLOW, [REDACTED] said he had about six beers with friends at Rangview. He did not recall smoking marijuana, but he said he may have smoked marijuana at his friends' [REDACTED] did not take any prescription medication. He described his level of alcohol intoxication as "about three to four on a one to 10 scale."

[REDACTED] said he was separated from his friends during the dance and he walked around looking for people he knew. He was about to leave when he saw [REDACTED] dancing with someone. [REDACTED] said he and [REDACTED] made eye contact and embraced. He said they began dancing and kissing each other. [REDACTED] said [REDACTED] did not appear to be intoxicated. He said he did not know if she had drunk alcohol or used any drugs. [REDACTED] said he saw an ambulance arrive due to someone at the party experiencing alcohol poisoning. [REDACTED] said he saw an ambulance arrive.

[REDACTED] said he and [REDACTED] were dancing together for a very short amount of time before the party was shut down. [REDACTED] said their time together lasted for about one song or less.

### Conversation Regarding Going to [REDACTED]'s Room

[REDACTED] lives in Paley Hall, across from where he lives in Rangview Hall (now Berkus Hall). [REDACTED] said he and [REDACTED] walked back to their dorms together, hand-in-hand, riding and talking. He said they did not discuss going back to his room prior to leaving GLOW and he invited [REDACTED] back to his room as they walked. [REDACTED] said his invitation to [REDACTED] occurred while he and [REDACTED] were still in the Quad area, but outside of the dance area. He did not know if other people saw them together. [REDACTED] said that when he asked [REDACTED] to go back to his room, she said yes. He said his interaction with [REDACTED] that evening leading up to the invitation back to his room was

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Very sensitive. [REDACTED] did not say anything about being a virgin, or that she did not want to have sex. [REDACTED] said, "I wasn't planning on having sex because I knew she was a virgin. He said he was only interested in 'looking around a bit'."

[REDACTED] further stated that he and [REDACTED] had no discussion regarding what they were going to do in his room. He stated again that [REDACTED] did not tell him the night of the GLOW dance that she was a virgin. He then said he did not remember if [REDACTED] said she did not want to have sex that night.

When questioned again regarding their conversation, [REDACTED] then stated, "I don't remember talking about what we would do in the room on the night of the GLOW dance before going to the room." He said, "I don't remember [REDACTED] saying she was a virgin if that she did not want to have sex before going to the room." [REDACTED] said he and [REDACTED] discussed the fact that [REDACTED] was a virgin later that evening, but not before going to my [REDACTED] room.

#### ■ Making Out in His Room

[REDACTED] said about 10 minutes after GLOW ended, he and [REDACTED] arrived at his room. He said he lived in a triple that he shared with roommates. He said they went to his private room.

[REDACTED] said he and [REDACTED] were making out and she had her hands on his shirt and made moves to take off his shirt. He said he took off his shirt and then took off [REDACTED] shirt as they continued to kiss.

[REDACTED] said he and [REDACTED] then took off their pants, bottoms, and underwear. He said they each took off their own clothes. He said they continued to make out while touching various portions and moving around the bed.

[REDACTED] said [REDACTED] was on top of him for a while. He had his hands on her back and [REDACTED] had her hands on his chest. He said they were both naked and were pressing each other. He said he touched her breasts. He said they were facing each other with their bodies "front to front" and their "pelvises pushing against each other and grinding."

[REDACTED] said he fingered [REDACTED] vaginas and [REDACTED] was grinding her pelvis on his

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#### ■ Performed Oral Sex on [REDACTED]

[REDACTED] said [REDACTED] ended up lying on her back and he was on top of her. He said he started massaging down her body from the chest area to her groin. He said he opened up [REDACTED] legs and "was down there for a little bit performing oral sex on [REDACTED] with his mouth on her vagina and genital area."

[REDACTED] said he and [REDACTED] did not discuss having oral sex. He said "it just kind of happened." [REDACTED] said [REDACTED] appeared to consent to oral sex because [REDACTED] was grinding on [REDACTED] hand as he fingered her vagina. He said [REDACTED] opened her legs and put her hands on [REDACTED] head and was pushing and "sticking her pelvis into [REDACTED] stomach."

[REDACTED] said [REDACTED] eventually sat up, while he was performing oral sex on her. [REDACTED] did not say anything, but [REDACTED] took it as a signal to move forward. He said he understood [REDACTED] action as an indication that she was "done with oral sex" and she wanted to do something else.

[REDACTED] said [REDACTED] did not verbally tell him to stop performing oral sex on her. [REDACTED] did not say he was "too rough."

#### ■ Performed Oral Sex on [REDACTED]

[REDACTED] said he laid down on his back and he and [REDACTED] started kissing again. He said [REDACTED] went down on him, performing oral sex on his penis using her mouth and hands. He said [REDACTED] put her genital in her mouth and "sucked the penis with her hands." He said they did this for a little bit and then stopped. He said he could not imagine how long [REDACTED] performed oral sex on him. [REDACTED] expressed later during the interview that "the only penetration that occurred with [REDACTED] was during oral sex when he penis went inside her mouth."

#### ■ Played with [REDACTED] Penis

[REDACTED] said at some point [REDACTED] stopped performing oral sex and they were sitting in bed naked. He said [REDACTED] hands were on his hips and she started "tendering" him and playing with [REDACTED] dick like it was "a dildo or a toy, 'tapping it around.'" He said this made him feel uncomfortable and he wasn't happy with how [REDACTED] was touching his penis.

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#### [REDACTED] Ejaculated While Masturbating

[REDACTED] asked if he ejaculated at any time during the evening. [REDACTED] added that he masturbated and ejaculated after [REDACTED] performed oral sex on him.

[REDACTED] stated he finished himself off after [REDACTED] went down on him. He said he and [REDACTED] laid next to each other in bed. He said while [REDACTED] was "on him" being sexy and whispering in his ear and kissing him. He said [REDACTED] also touched his body, possibly around his thigh area while he masturbated.

#### [REDACTED] and [REDACTED] "Pillow Talk"

[REDACTED] said [REDACTED] eventually laid next to him with her head resting on his chest and shoulder area and her hands on his chest. [REDACTED] said he and [REDACTED] engaged in pillow talk for a while. He said they talked about themselves, where they were from and the type of music they liked. [REDACTED] said she was from Bel Air and she liked hip-hop music.

[REDACTED] said he and [REDACTED] were "a bit loud" and one of his roommates "knocked on the wall" to signal that they needed to be quiet.

#### [REDACTED] and [REDACTED] Discussed [REDACTED] Virginity

[REDACTED] said he brought up the subject of her virginity and told [REDACTED] he would not pressure her to have sex. He recalled telling [REDACTED] that they did not know each other well enough to have sex and he did not know her "well enough to take her virginity." [REDACTED] did not recall what [REDACTED] said in response.

[REDACTED] said he did not recall why he brought up [REDACTED] virginity in their conversation and he was not trying to clarify that [REDACTED] was a virgin. He said he remembered [REDACTED] told him she was a virgin from the night before at the ATO party.

[REDACTED] said he was "not planning" on having sex with [REDACTED] that evening. He said "sex was out of the picture" and he just wanted to fool around.

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#### [REDACTED] and [REDACTED] Attempt Anal Sex

[REDACTED] said [REDACTED] then asked, "Do you want to try anal?" [REDACTED] said [REDACTED] suggestion was "random" and he did not know what prompted it. He said he was "still hard and erect" and [REDACTED] was "fondling" him when she made the suggestion. He said he did not have much experience with anal sex but he was attracted to [REDACTED] and willing to try it.

[REDACTED] said [REDACTED] did not say anything about whether she had anal sex before.

[REDACTED] said he and [REDACTED] "got into position" and attempted anal sex for "about a second" but it "didn't work." He said [REDACTED] was "uncomfortable" and made an "ow" noise, so they stopped having anal sex.

[REDACTED] said he "put on [his] underwear" soon after they stopped having anal sex. [REDACTED] also said he may have masturbated and ejaculated after they attempted anal sex.

[REDACTED] said at some point after they tried anal sex, [REDACTED] asked him if she lost her anal virginity that night. He said he told [REDACTED] that she had not.

#### [REDACTED] and [REDACTED] Fall Asleep

[REDACTED] said he and [REDACTED] laid together and continued talking. [REDACTED] said just before they fell asleep, [REDACTED] asked if he would say "Hi" to her when they saw each other around campus.

[REDACTED] said they slept together and woke up the next morning. He then walked [REDACTED] back to her room.

#### Allegations by [REDACTED]

[REDACTED] stated he was upset by the allegations against him. He said "The things [REDACTED] says about me are completely false."

#### [REDACTED] Did Not Penetrate [REDACTED] with his Penis

[REDACTED] repeatedly stated that he did not put his penis into [REDACTED] vagina "at any point."

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**First Vaginal Penetration**  
[REDACTED] said he did not insert his penis into [REDACTED] vagina after fingering her vagina. He said that didn't happen.

**Did Not Make Any Comments Staring**  
[REDACTED] was torturing him. [REDACTED] said he did not say [REDACTED] was torturing him or what she was doing to him was not fair.

**Did Not Discuss Condom Usage**  
[REDACTED] said there was no discussion about condoms because he did not penetrate [REDACTED] with his penis. He said "I didn't put my penis in her, so there was no talk about condoms."

**Did Not Want to Leave**  
[REDACTED] said [REDACTED] did not state that she should leave his room or that she wanted to leave while she was in his room.

**Discussion Regarding Oral Sex**  
[REDACTED] said he did not tell [REDACTED] they should "passive each other" with oral sex. It play was not going to have intercourse. He said they "just had oral sex" and "it just happened." He said [REDACTED] didn't tell her to do it.

**Second Vaginal Penetration**  
[REDACTED] said [REDACTED] appeared to be consenting to giving him oral sex because of the way she touched him and played with his penis.

[REDACTED] stated again that he did not put his penis in [REDACTED] vagina. He said [REDACTED] did not tell him that she did not want him to take her virginity. [REDACTED] said "it did not happen."

**Comments Regarding Broken Hymen**

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**Third Vaginal Penetration**  
[REDACTED] said he did not insert his penis into [REDACTED] vagina a third time and move it around. He said he did not cover [REDACTED] mouth and tell her not to scream because his roommates would hear. [REDACTED] said "No, it did not happen. None of that happened. My roommates would have heard that."

**Comments Regarding Torture and Oral Sex**  
[REDACTED] said he did not tell [REDACTED] that she was "torturing" him and that she should at least give him oral sex. He said he did not say that.

**Comments Regarding Urination**

[REDACTED] said he "never asked to pee" on [REDACTED]. He said he did not go to the bathroom that evening.

**Discussion After Anal Sex**

[REDACTED] said after he and [REDACTED] attempted anal sex, he did not tell her that she did not let him pull in all the way. [REDACTED] explained that when [REDACTED] asked him if she lost her "anal virginity," he told her that he didn't go in all the way.

**Attempted Anal Sex the Following Morning**

[REDACTED] said he did not attempt to have anal sex with [REDACTED] the following morning. He said "No, I didn't try to have anal sex with her. My underwear was on."

**Attempts to Prevent [REDACTED] from Leaving**

[REDACTED] said [REDACTED] did not tell him she wanted to leave, or made attempts to leave his room. He said he did not pull her back onto his bed when she tried to leave.

**Comments Regarding Torture**

[REDACTED] said he did not make any comments accusing [REDACTED] of torturing him, because she would not have sex with him.

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**Comment Referring to Cones as a "Nig Girl"**

[REDACTED] said he did not tell [REDACTED] that she was his first "nig girl" when he walked her back to her room. [REDACTED] said at [REDACTED] room [REDACTED] asked him to "text" her and "say hi to her and keep in touch."

**Interactions with [REDACTED] after the incident**

[REDACTED] gave [REDACTED] her phone number.

On October 4, 2019, [REDACTED] said a couple days after the night they spent together, [REDACTED] "walked up" to him and put her number into his phone. [REDACTED] said [REDACTED] put a winking emoticon next to her name in his contacts list on his phone. [REDACTED] said he does not use emoticons when he enters names on his phone.

[REDACTED] said he sent [REDACTED] three text messages, but [REDACTED] never sent him a text message back. [REDACTED] said the first text was after [REDACTED] put her phone number into his phone. The second text was later that same week around 2:00 a.m. He said, "I was just being drunk." [REDACTED] said that when [REDACTED] did not text him back, he assumed that she was not interested in him.

[REDACTED] saw [REDACTED] around campus.

[REDACTED] said at some point, he saw [REDACTED] around campus and he waved at her. She did not respond.

**Conversation with [REDACTED] at Emmons Student Wellness Center**

[REDACTED] said his last text message to [REDACTED] occurred after he ran into her at Emmons Student Wellness Center. [REDACTED] said he saw [REDACTED] in the waiting room and they had a friendly conversation regarding school and the different classes and departments he liked. [REDACTED] said it was the last time he talked to [REDACTED].

**Last Text Message**

[REDACTED] said after chatting with [REDACTED] at Emmons, he sent her a text message later the same week. He wrote that if she wanted to discuss classes that he was "the guy" to talk to about it. [REDACTED] said it was the last text message he sent to [REDACTED] and she

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**No Contact with [REDACTED]**

[REDACTED] said after his last text message to [REDACTED] and their encounter at Emmons, he did not interact with [REDACTED] again. He said he may have seen [REDACTED] around on campus.

**Discussion with Palacios at Project SAFE Regarding the Stay Away Letter**

[REDACTED] stated he received a stay away letter from [REDACTED] and he sought assistance from the Dean of Students office. He said he was directed to Project Sexual Assault Free Environment (SAFE).

[REDACTED] said he spoke to Naddia Palacios, the Project SAFE coordinator. He said, "I was at first trying to understand what happened," and why he received the stay away letter. He said Palacios told him that she could not help him because "their job was only to help the complainants."

[REDACTED] said he became upset. He said, "I was really frustrated because I didn't understand why this was happening." He said there was "no justification" for the stay away letter and he felt "under attack." [REDACTED] said, "I was frustrated and angry and got loud and a little upset."

[REDACTED] said the following day, the Dean of Students, Erica O'Neal Howard, told him that Palacios felt "threatened" by him. [REDACTED] said, "It was insulting that [Palacios] thought I was going to harm her." He said, "I see that as an insult."

**Comments at Project SAFE**

[REDACTED] said the allegation that he made various comments to Palacios at Project SAFE was "irresponsible."

**"Men are Victims"**

[REDACTED] said he did not recall making a comment that "Men are victims. Men are expected not to do anything at the end of the night." [REDACTED] said he made comments that he "felt persecuted" and that "being a guy makes you an automatic enemy on campus."

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**"These Girls Wear Whatever"**

[REDACTED] said he did not make the comment "These girls wear whatever they want and they leave us all night and they expect us not to get anything." He said, "No, I did not say that."

**"The Girls Owe Me Something"**

[REDACTED] said he did not say, "The girls owe me something." He said, "No, I did not say that."

**"There Were No Bruises"**

[REDACTED] said he did not make comments regarding not leaving bruises on girls that he has had sex with. He said, "No, I did not say that." He said he did not make the comment, "There were no bruises, I didn't hit her or anything so that's not rape, that's not sexual assault." He said he did not say that.

[REDACTED] stated that he was making a comment regarding Project SAFE's use of the term "survivor," and that he committed no violent crime.

**"The Girl Was Really Into It"**

[REDACTED] said he did not make any comments such as "the girl was really into it" and "then all of a sudden she stopped."

**"If Both of Us Are Drunk"**

[REDACTED] stated that he did not pose a scenario to Palacios such as "If both of us are drunk, how am I supposed to not do anything? When they are enticing me the whole time?" He said he did not say this.

**"When the Girl Got Up"**

[REDACTED] acknowledged making a statement like, "When the girl got up and was going to leave because she didn't like it, I immediately stopped, or stopped trying." He stated this was his attempt to explain to Palacios about a situation that regularly occurred in his past sexual relationships with girlfriends or casual sex partners. [REDACTED] said he has a

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"big penis," and past sexual partners sometimes complained that his penis hurt them during sex. [REDACTED] said whenever he and a sexual partner were engaged in intercourse and his sexual partner told him to stop because sex was hurting them, he stopped.

**"Entices Me All Night"**

[REDACTED] said he did not make a comment such as "If she goes back to the room and entices me all night, how can you expect me to think nothing's going to happen?" He said he did not say that.

**Contact with [REDACTED] after the Stay Away Letter**

[REDACTED] said he did not contact [REDACTED] after the stay away letter was issued. He did not recall any incidents when he saw [REDACTED] on campus and intentionally walked close to her. He recalled one incident when [REDACTED] was waiting at the coffee cart and he walked up and stood in line behind her. He said [REDACTED] left the line and walked away. [REDACTED] said he did not do it intentionally. He said he was stoned at the time, and just concentrating on getting my food.

**Additional Comments**

[REDACTED] expressed his frustration with the allegations against him. He stated, "It's upsetting. This just sucks. It's not fair." He said, "I feel slandered. Incriminated, slandered."

[REDACTED] added that he did not feel the process for investigating and judging the Complainant's allegations would be fair to him. He said, "It doesn't matter who believes me. If someone doesn't believe me, I am out of the campus." He said, "I didn't have sex with her, and it doesn't matter."

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CONFIDENTIAL MEMORANDUM

TO: Ruth Jones  
Title IX Coordinator  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 15, 2014

RE: Sexual Misconduct Policy Complaint  
PIJ Case No. 14-4235

SUBJECT: Interview Summary of Naddia Palacios

Naddia Palacios was interviewed on February 14, 2014, at Occidental College by U-  
Reporters of Public Interest Investigations, Inc. (PII)

Background Information

Palacios is the Student Advocate and Coordinator for Project Sexual Assault Free  
Environment (SAFE) at Occidental College.

Palacios is also the Advisor for the Complainant. Palacios was present  
during interview on February 19, 2014, with PII.

At the start of the interview, Palacios requested that PII obtain a signed release  
from [redacted] to allow Palacios to discuss her conversations with [redacted] and to provide  
information about [redacted] from her file. Palacios contacted [redacted] by telephone and  
received verbal permission from [redacted]. Palacios subsequently provided a copy of a  
release form signed by [redacted]. The release form is attached.

During the interview, Palacios reviewed her handwritten notes from her file on [redacted]  
and several emails. Palacios responded to some questions by quoting directly from her  
notes or the emails. These documents are attached.

Palacios showed the [redacted] file to PII. The file contained a single-page document that  
appeared to be an intake form with handwritten notes on the front and back of the  
document.

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Palacios stated she also had emails relevant to the investigation regarding [redacted] and  
the Respondent. Palacios forwarded four emails to PII  
during the interview.

Palacios said she had limited information regarding specific details about the incident  
between [redacted] and [redacted]. Palacios said the PII interview with [redacted] was the first  
time she had heard many of the details of the incident involving [redacted] and [redacted].

Palacios said her standard practice with students who have reported being sexual  
assaulted, including [redacted], is to allow the students to tell as much or as little of their  
story as they want to share with her. She said, "I didn't ask too many questions  
and not the police or an investigator. The reason she does not ask detailed questions is  
because she knows that the student may have to discuss the incident multiple times  
and answer questions from multiple individuals such as school investigators, the police,  
and prosecutors." Palacios said she tries to minimize the amount of questions she asks  
because her primary role is to listen, provide support, and offer resources.

Palacios said [redacted] did not have many specific details of the incident and Palacios did  
not ask [redacted] to provide those details.

Friday, October 4, 2013: Palacios' First Meeting with [redacted]

Palacios said the first time she became aware of [redacted] was through Kevin Siebs, an  
Occidental student and a member of her student staff at Project SAFE. On  
approximately Wednesday, October 2, 2013, Palacios said Siebs requested Palacios  
meet with his friend. She said Siebs did not identify the friend or explain the nature of  
the meeting. Palacios arranged a meeting for Friday, October 4, 2013.

On the day of the meeting, Siebs told Palacios the meeting was not for his friend, but a  
friend of his friend. [redacted] Siebs said he did not know the person and he had no  
information regarding the reason for the meeting. Palacios said Siebs accepted [redacted]  
and [redacted] into Palacios' office at Project SAFE. Palacios said Siebs had no further  
involvement with [redacted].

Palacios said when she met [redacted] was very friendly, but she appeared  
uncomfortable in her office. [redacted] remained with [redacted] throughout the meeting in  
order to provide support. Palacios said she was happy to have [redacted] present so  
[redacted] would feel comfortable. However, Palacios was also mindful that [redacted] might not want

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Palacios said her primary focus was to provide support and offer reassurance to [redacted]. She said she did not want [redacted] to feel pressured to talk about the incident or provide details if she was not comfortable doing so. Palacios told [redacted] to tell her what happened if (s)he wanted to.

Palacios said [redacted] began telling her what happened in a "very matter of fact" manner. She said [redacted] did not identify [redacted] by name and only stated that he was an Occidental student who was a junior. [redacted] his name and only stated that he was an Occidental student who was a junior.

Palacios said [redacted] told her that she "hooked up" with [redacted] at a party. [redacted] explained that she knew him before the party because she met him during a pool party. [redacted] said while she and [redacted] were "hooking up," she "made it clear" to him that she was a virgin and did not want to have sex. [redacted] said she saw [redacted] again the following night at the GLOW party. [redacted] said [redacted] asked her to go hang out in his room. [redacted] told him again that she was a virgin and she did not want to have sex. [redacted] agreed to this.

Palacios said [redacted] and he [redacted] walked back to Rangelway (currently Benke Hall) where [redacted] lived. [redacted] said [redacted] "took her through" his maze (to his room) on purpose. [redacted] said the door was open and [redacted] entered the building assigned far away from his room. [redacted] said [redacted] intentionally took her on a confusing route to his room.

Palacios said [redacted] told her once they were in his room, they started "hooking up" and [redacted] put his penis in her. Palacios said [redacted] appeared to be "very uncomfortable" as she spoke. [redacted] She told [redacted] that it was not necessary to tell her the details. [redacted] said, "Okay, okay," but she continued explaining what happened.

[redacted] told her that after the first time [redacted] penetrated her, she told him to stop and he did. [redacted] told her they were kissing again and then [redacted] did it again. [redacted] penetrated her. At that point, Palacios said [redacted] did not seem comfortable.

Palacios said she was also concerned that [redacted] might not want to reveal this information in court. Palacios told [redacted] that it was not necessary to detail each penetration and asked [redacted] to summarize how many times [redacted] penetrated her.

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Palacios stated she wanted to "minimize" the conversation about the incident in order to protect [redacted] from reliving the story "over and over again."

Palacios said [redacted] paused and appeared to be calculating the number of penetrations in her head and counting them out. [redacted] estimated that [redacted] penetrated her five times. Palacios said [redacted] did not specify whether the penetrations were vaginal or anal, and she did not ask [redacted] to clarify. Palacios assumed that the penetrations were all vaginal. She said [redacted] later told her on January 30, 2014, that [redacted] also penetrated her anus.

Palacios said during the first meeting, [redacted] did not say anything about [redacted] making a comment about peeing on her. Palacios said she assumed [redacted] was intoxicated during the incident as a result of alcohol, but she did not know if it was because of a marijuana candy. She said [redacted] did not know if [redacted] was intoxicated or not.

Palacios said [redacted] thought about leaving the building when [redacted] went to the bathroom but she realized that she could not leave the building without a key card.

Palacios said [redacted] concluded the story by stating that [redacted] spent the night with [redacted] and he walked her back to her room the next day. Palacios said [redacted] did not tell her about what happened the following morning with [redacted] and Palacios did not ask for more information.

Palacios said she wanted to steer the conversation with [redacted] towards discussing how Palacios could support [redacted]. Palacios said she discussed the various resources available to [redacted] such as counseling, a stay away letter, mediation, and filing a formal complaint. Palacios said, in general, she does not advise students on what they should do or not do, but she provides them with information about their options and she discusses the pros and cons with them. She said that she counseled [redacted] in the manner.

Palacios said [redacted] was interested in counseling and considering a stay away letter.

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was "really vocal" that [redacted] should not appreciate or confront [redacted]. Palacios said [redacted] ultimately agreed with [redacted] that it was not a good idea.

Palacios said she advised [redacted] that since the incident had just occurred, [redacted] memories would start to come in, and she should contact Palacios if she needed more support or services to deal with her feelings. Palacios told [redacted] to also contact her if she changed her mind about the stay away letter or filing a complaint.

Palacios said the meeting ended with Palacios setting up a counseling session for [redacted] at Emmons Student Wellness Center on campus.

Palacios Sent a Follow-Up Email to [redacted]

Palacios said she sent a follow-up email to [redacted] a few days after their meeting, but [redacted] did not respond.

Saturday, October 19, 2013 - Professor Lorenz Email about [redacted]

About two weeks after meeting with [redacted], Palacios said on October 19, 2013, she received an email from Professor Shanna Lorenz expressing concern about [redacted]

According to Lorenz's email, provided by Palacios, Lorenz wrote that [redacted] had an abusive encounter that she experienced early in the semester. She wrote that [redacted] continued to be contacted by the student aggressor. Lorenz described an incident when [redacted] went to see her therapist at Emmons and saw her aggressor in the waiting room. Lorenz wrote that [redacted] was subjected to [redacted]'s "dared questions and comments at conversation." Lorenz requested that Palacios and the college intervene and assist [redacted]. Lorenz asked Palacios to discuss [redacted] options for obtaining a stay away letter.

Palacios said since she cannot confirm or deny that she is counseling a student, she sent a generic response to Professor Lorenz thanking her for the email.

Palacios Sent a Follow-Up Email to [redacted]

Palacios said she followed up with [redacted] again by email as a result of Lorenz's email. She said [redacted] did not respond right away.

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Monday, October 28, 2013 - Meeting with [redacted] Requesting Stay Away Letter

Palacios said [redacted] eventually responded to her email and they set up a time to meet on October 28, 2013. When they met, Palacios observed that [redacted] was "emotionally shaken" and she cried as they discussed the incident with [redacted]. Palacios said [redacted] appeared more emotional than the first meeting. Palacios said [redacted] did not say she remembered more details of what happened. [redacted] said she remembered lying to scream for help and that [redacted] covered her mouth.

[redacted] told Palacios that she was concerned about her safety. [redacted] said [redacted] continued to contact her through text messages and she kept seeing him around campus. [redacted] was especially bothered when she ran into [redacted] at Emmons, while she waited for a counseling appointment and [redacted] made small talk with her. [redacted] said whenever she saw [redacted] at events or on campus, he gave her a "creepy smile like nothing happened." Palacios said [redacted] did not understand why [redacted] did not realize that what he had done to [redacted] was wrong.

Palacios said she reminded [redacted] that she could obtain a stay away letter against [redacted]. Palacios said she described how a stay away letter worked. [redacted] told her she wanted to request one. Palacios called the Title IX office and spoke to interim Title IX Coordinator Lauren Carulla. Palacios told Carulla that she had a student who wanted a stay away letter.

Palacios said she and [redacted] walked over to the Title IX office together and spoke to Carulla. Palacios said [redacted] provided little explanation for the stay away letter. [redacted] did not state that they had been sexually assaulted. Palacios said [redacted] responded to Carulla's questions with short "yes" and "no" answers. Palacios said Carulla asked [redacted] if she wanted to file a formal complaint. [redacted] said she did not. Palacios said [redacted] appeared to be in distress and "not ready mentally to go through the process of an investigation and a hearing."

[redacted] Palacios said when [redacted] requested the stay away letter, the Title IX office it was the first time Palacios learned [redacted] name [redacted]

Tuesday, October 29, 2013, [redacted] Visited at Palacios at Project SAFE Office

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Administrative Assistant at the Dean of Students Office. Palacios provided PII with a copy of the email. At 11:10 a.m., Saracho wrote that [REDACTED] came to the office that morning to discuss a stay away letter he received regarding a sexual assault. Palacios, who was not available to speak to him, Saracho wrote, she referred [REDACTED] to Project SAFE. [REDACTED] was "very emotional" and vented a letter to Saracho about the concerns regarding sexual bias against men on campus.

Palacios said she did not see the email until the next afternoon. Palacios provided a copy of her email response to Saracho. Palacios wrote that Project SAFE was not the right office because Palacios' role was as a "survivor/advocate only." She informed Saracho that she would redirect [REDACTED] back to the Dean of Students Office or Title IX office.

Palacios said she did not realize that [REDACTED] was already on his way towards her. Shortly after she sent her email response to Saracho, Palacios said [REDACTED] reached into the Project SAFE office around 1:45 p.m.

Palacios said she was sitting at her desk in her office which was facing the front door. She said she saw [REDACTED] as he entered.

Palacios said [REDACTED] entered at her desk. She said he explained that he had been sent to Project SAFE by the Dean of Students office. Palacios apologized to [REDACTED] and explained that the office was not the right place for him and she referred him back to the Dean of Students office or Title IX office.

Palacios said [REDACTED] did not seem to hear her because he continued talking. She said he told her, "I want to tell you there's a lot of bias towards men on campus." She told him she was sorry, he left the campus was biased against men, but she was not the right person to speak to about it because she was afraid of the actions of sexual assault. She referred him back to the Dean of Students or Title IX. Palacios said [REDACTED] responded loudly, "Why not? I am a victim here."

Palacios said [REDACTED] told her he received a stay away letter regarding a girl he knew and it was ridiculous. Palacios told him, "I would be best for him not to say

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Palacios said [REDACTED] stood up to leave and headed toward walking to the front door when he turned around to face her. As he did this, she said [REDACTED] caught a glimpse of a wall of educational posters that contained various "rape myths." Palacios explained the posters were used to debunk rape myths, such as blaming a victim because of the type of clothing they wore. She observed [REDACTED] becoming visibly angry as he looked at the posters. She said [REDACTED] started yelling at her and reacting to the "rape myths" that were displayed in the educational posters on her wall.

Palacios said she recalled some of the comments [REDACTED] made, but not all of them. Palacios said [REDACTED] pointed at the posters and said, "This is bullshit. How are they the victims? Many are victims. Men are expected not to do anything at the end of the night." [REDACTED] also said, "We're the victims here. These girls wear whatever they want and they blame us all night and they expect us not to get anything." She said [REDACTED] made additional comments such as, "The girl owe him something."

Palacios said she was shocked by [REDACTED]'s behavior. She said he was yelling "very loud" and in an aggressive manner. She told [REDACTED] that he should not make those types of comments at Project SAFE and that he should probably leave. She said [REDACTED] was "intimidated" and "blissed." She said [REDACTED] continued yelling, "This office is bullshit. It's only for women. What about the men?"

[REDACTED] was former too and that men are also victims of sexual assault. [REDACTED] replied, "Guys can't get raped."

Palacios said [REDACTED] continued to rant and began making additional statements about the stay away letter. She said [REDACTED] made comments such as, "I didn't even do anything, nothing happened." She said [REDACTED] complained he was being accused of doing something wrong, but the stay away letter did not provide any explanation as to what he was accused of doing. He said, "Nothing ever happened that night. I don't even know this girl."



Palacios was concerned that since she was assisting [REDACTED] it would be inappropriate for [REDACTED] to make comments to her about [REDACTED] regarding the incident.

Palatine said [redacted] made additional comments, but she could not recall them. She remembered the comments were primarily referring to the vague "rape myths" depicted in the educational posters specifically related to how women of color, women of color men and black women "chose" their sexuality. [redacted]

Palacios said after [REDACTED] left, she realized that one of her student workers, [REDACTED] [REDACTED] was in the office.

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**Tuesday, October 29, 2013 - Campus Safety Incident Report**

According to a Campus Safety Incident Report dated October 29, 2013, at 2:17 p.m., Campus Safety Officer O'Leary and Sergeant Frantz received a report of a verbal altercation between [REDACTED] and Palacios. The report labeled the incident as "Threatening Behavior."

Officer Oakley and Sgt. Franco responded to Project SAFE and obtained a statement from Parsons. The report stated that [REDACTED] was referred to Project SAFE by the Lovett School regarding a sex abuse letter issued on behalf of [REDACTED]. [REDACTED] was upset and complained that the school had accepted [REDACTED] account of what happened "as fact" and that the account was "being taken too seriously."

The report stated [redacted] was very sarcastic and criticized what Project SAFE does on campus. [redacted] told Paladino that he wanted to no longer be considered an ally. When Paladino suggested [redacted] approach the Title IX Office of Sexual Harassment, [redacted] stated the process was inherently unfair and the get up from his

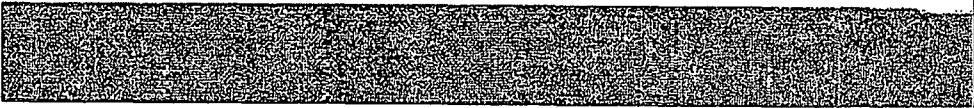
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Interview Summary of Naddia Palacios  
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The report noted that Palacios was not verbally threatened by [REDACTED] but when he stood up and shouted at her, she felt threatened by him. Palacios expressed her concern that [REDACTED] could "explode" on someone else.

[REDACTED]



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[REDACTED]

09/15/2015

[REDACTED]

[REDACTED]

Thursday, December 12, 2013 - Palacios saw [REDACTED] around [REDACTED]

Palacios said the next time she saw [REDACTED] was in December. She said she saw [REDACTED] in passing while on campus. Palacios asked [REDACTED] how she was doing. She said they briefly chatted about [REDACTED]. [REDACTED] told Palacios that [REDACTED] continued to bother her and he was "being really creepy" when she saw him. [REDACTED] described an incident when [REDACTED] passed by really close to her in the dark. Palacios said [REDACTED] seemed upset by [REDACTED]'s behavior, so she suggested [REDACTED] come to the Project SAFE office the next day so they could talk about it more.

Friday, December 13, 2013 - [REDACTED] Violated Stay Away Letter

Palacios said [REDACTED] met her at the Project SAFE office on December 13, 2013. [REDACTED] told Palacios that [REDACTED] continued to bother her after the stay away letter was issued. [REDACTED] said she continued to see [REDACTED] at events and he gave her a "creepy smile" that made her feel uncomfortable. [REDACTED] said one evening [REDACTED] walked up to her and was very close to her, just inches away from her face.

Palacios said she and [REDACTED] drafted an email to Interim Title IX Coordinator Lauren Carella to inform them of the situation. [REDACTED]

[REDACTED]

[REDACTED]

After they sent the email, Palacios advised [REDACTED] to take note of any incident when [REDACTED] violated the stay away letter in order to document his behavior. Palacios told [REDACTED] that she also needed to report [REDACTED]'s behavior to Project SAFE, Title IX or campus security when these incidents occurred. Palacios also advised [REDACTED] to write down what she remembered from the incident.

Palacios said [REDACTED] continued to express fear of [REDACTED] and she was scared of [REDACTED] and worried that he might upbraid her by her friends. [REDACTED] described an incident when [REDACTED] and her friends were sitting down on campus and [REDACTED] walked up really close to them and then walked away.

[REDACTED]

[REDACTED] said she was troubled by this.

[REDACTED] told Palacios, "I'm scared [REDACTED] will do something to me."

Palacios said she discussed the option of filing a formal complaint with [REDACTED] again, but [REDACTED] said she was not ready. [REDACTED] said she did not want to deal with it, but she would be ready to file a complaint against [REDACTED] after the school break on January 21, 2014.

Palacios said they made an appointment for Palacios to call [REDACTED] on January 28, 2014, to set up an appointment to discuss filing a formal complaint.

Thursday, January 30, 2014 - Palacios Met with [REDACTED] about Filing Formal Complaint

Palacios said after school break was over, she followed up with [REDACTED] as planned. [REDACTED] made an appointment to see Palacios at Project SAFE on January 30, 2014.

Palacios said [REDACTED] told her she was ready to file a formal complaint against [REDACTED]. However, when Palacios and [REDACTED] attempted to contact the Title IX office, they were informed that no one was available to receive [REDACTED]'s complaint.



[REDACTED]

**CONFIDENTIAL MEMORANDUM**

TO: Ruth Jones,  
Title IX Coordinator  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 16, 2013

RE: Sexual Misconduct Policy Complaint  
PJI Case No. 14-4235

SUBJECT: Interview Summary of Professor Shanna Lorenz

Professor Shanna Lorenz was interviewed on February 27, 2014, at Occidental College by LifeLiners of Public Interest Investigations, Inc. (PII).

**Background Information**

Professor Lorenz is an assistant professor of Music at Occidental College. She has been a professor with Occidental for five years.

Professor Lorenz said she did not have a lot of detailed information of involvement regarding the incident. She said "My role in this has been to point Complainant to the people whose job it is and let it be by and let us support her in to do that."

**Relationship with Complainant**

Professor Lorenz was the Complainant's [REDACTED] teacher during the Fall 2013 semester. Lorenz taught the Cultural Studies Program Writing Seminar and [REDACTED] was one of her students.

Lorenz said she did not know [REDACTED] prior to meeting her in class.

**Relationship with Respondent**

Professor Lorenz said she did not know the Respondent. [REDACTED]

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Professor Lorenz's First Conversation with [REDACTED]

Professor Lorenz said about five weeks into the Fall 2013 semester, [REDACTED] asked to speak to her. She said they met in her office.

Professor Lorenz said [REDACTED] said she had been raped and was really struggling to keep things together. Professor Lorenz said [REDACTED] used the term "rape" to describe what happened. She said [REDACTED] did not discuss the details of what happened to her and never shared the name of the assailant.

Professor Lorenz said she was concerned about [REDACTED] and wanted to make sure that [REDACTED] received the help and support she needed from the college. Lorenz said she made sure [REDACTED] was in contact with the right people at the school and she asked [REDACTED] if she had reached out to the resources on campus. Lorenz said [REDACTED] told her she already had an appointment scheduled to see Naddia Palacios, Project Assault Free Environment (SAFE) Coordinator, for that day or the next day, and she was looking into getting therapy. She said [REDACTED] seemed to be doing all the right steps in order to get help from the school.

Professor Lorenz described [REDACTED] demeanor during this conversation as "shocked" and "not present." She said [REDACTED] asked her for some extensions on assignments and her understanding as a professor during this period.

Professor Lorenz Witnessed [REDACTED] Run-In with "her Assailant"

Professor Lorenz said at some point in between her first conversation with [REDACTED] and the second conversation, she observed an incident when [REDACTED] ran into "her assailant."

Professor Lorenz said her classroom was located in Rangview Hall (now Berkus Hall) at the time. She said at the end of class, she and [REDACTED] were the last to leave and they walked out together. She said as they turned a corner, there were several students present and [REDACTED] appeared to see something. She said [REDACTED] suddenly turned around and went the other way. She said [REDACTED] looked and turned around and saw her go the other way and thought that was curious. She said, "What's going on?"

Professor Lorenz said [REDACTED] demeanor changed. She said [REDACTED] got "icy cold." [REDACTED] said "I just saw him. I don't want to walk by him." She seemed embarrassed.

Professor Lorenz's Second Conversation with [REDACTED]

Professor Lorenz said the incident that occurred after class at Rangview became a lead-in to the second conversation she had with [REDACTED]. Professor Lorenz said [REDACTED] expressed frustration because she was encountering him all over campus and she was uncomfortable. She felt he was going out of his way to talk to her.

Professor Lorenz said [REDACTED] saw this person at a party or walking on campus and "he'd make a detour to walk near her and try to talk to her, or him calling or texting her."

Professor Lorenz said [REDACTED] described one incident to Lorenz that occurred while [REDACTED] was waiting for her therapy appointment at Emmons Student Wellness Center. [REDACTED] reportedly encountered "her assailant" who was also waiting for an appointment. Professor Lorenz said the situation seemed "inappropriate" to her so she sent an email to Palacios describing what happened and asking for Palacios' help.

Professor Lorenz said [REDACTED] seemed frustrated and upset and more upset than the first time (we met). She seemed angry about the Emmons experience.

Professor Lorenz said [REDACTED] also shared some information, but "not in great detail" from the night of the incident. [REDACTED] told Lorenz that she "tried to get out," but she was "dragged back into the room by the assailant." Professor Lorenz said [REDACTED] may have mentioned this within the context of "feeling judgment" from people on campus. Professor Lorenz said [REDACTED] appeared to feel the need to defend herself by showing that she tried to do something to get away from the assault.

Professor Lorenz said [REDACTED] felt that "when she walked around campus she would get uncomfortable looks" because her assailant had "bragged to a group of people about what had taken place."

Professor Lorenz said they did not dwell on the details of the incident with [REDACTED] because their conversation was more focused on "which direction she could move in to make it a safer experience for herself."

Professor Lorenz said [REDACTED] discussed requesting a stay away letter and was "thinking about doing that." [REDACTED] said she was "worried that she would be ostracized by the other students if she did that." [REDACTED] was also concerned about filing a complaint and

Interview Summary of Shantia Lorenz  
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October 19, 2013 - Professor Lorenz Email to Niddie Palacios of Project SAFE

According to an email attached to the report from Professor Lorenz to Palacios on October 19, 2013, Professor Lorenz requested Palacios assist [redacted] regarding an abusive encounter that occurred earlier in the semester.

Professor Lorenz wrote the student aggressor continued to contact [redacted] in a regular basis, including in the waiting room of Emmett while [redacted] waited for her therapy appointment. Professor Lorenz wrote [redacted] had to accommodate the student aggressor's direct questions and attempts at conversation.

Professor Lorenz wrote [redacted] was struggling with the option of sending a stay away letter, and asked Palacios to assist her with this.

Professor Lorenz is Third Conversation with [redacted]

Professor Lorenz said at the end of the Fall 2013 Semester she had a conversation with [redacted] but it was more focused on academic issues and [redacted] had assignment. Professor Lorenz said she herself was very overwhelmed with work and of the semester stuff so she just wanted to check in with [redacted] but not get into the details of the case. [redacted] may have told Professor Lorenz that [redacted] changed a tiny away letter but Professor Lorenz was not sure.

Negatively Affected by Incident

Professor Lorenz said since the incident occurred early in the semester, she was unsure if she could make a fair comparison between [redacted] academic performance before the incident and after the incident. She said she did not have a lot of time to interact with [redacted] before the incident occurred and many of the major assignments came after the experience.

Professor Lorenz said in general, [redacted] seemed to be an average student who was curious and capable. She said [redacted] ultimately completed her assignments and the class.

[redacted] She said [redacted] demeanor in class was like she was in a fog. Professor Lorenz added [redacted] seemed more in shock like a deer in traffic lane.

Public Interest  
Investigations, Inc.

CONFIDENTIAL MEMORANDUM

TO:

Ruth Jones  
Title IX Coordinator  
Occidental College

FROM:

Public Interest Investigations, Inc.

DATE:

April 15, 2014

RE:

Sexual Misconduct Policy Complaint  
PII Case No. 14-4235

SUBJECT:

Interview Summary of [redacted]

[redacted] was interviewed on February 21, 2014, at the office of Public Interest Investigations, Inc. (PII) by LifeLiners.

Background Information

[redacted] is 19 years old. She is a sophomore majoring at the University of Southern California (USC). [redacted] was a student at Occidental College from Fall 2012 until Spring 2014 when she transferred to USC. She said she applied to transfer to USC in July 2013 because she preferred a larger school environment.

Relationship with Complainant

[redacted] stated that she met the Complainant [redacted] at the beginning of the Fall 2013 semester through the school's orientation program for new students. [redacted] said [redacted] was one of 13 students on her orientation team. [redacted] said she developed a big sister relationship with all of her co-leaders, including [redacted].

[redacted] was "super friendly, super sweet, and open towards her and other students." She said the "team" was a vocal group of students and [redacted] in it. She described [redacted] as "talkative" and a "big contributor to group discussions who gave a lot of information immediately about herself." [redacted] said she also observed that [redacted] exhibited "typical freshman behavior" that she described as "vulnerable and insecure."

[redacted] said she did whatever she could to support [redacted] after the incident with [redacted].

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[REDACTED]

Friday, September 27, 2013: Harris Observed [REDACTED] and [REDACTED] at the ATO Party.

Harris stated she observed [REDACTED] and his Respondent [REDACTED] on one occasion at the ATO party. She said the ATO party was on the night before the GLOW party. She did not see [REDACTED] and [REDACTED] together at the GLOW party or on any other occasion.

Harris said she did not attend the ATO party with [REDACTED] and she was not aware that [REDACTED] planned to attend the party. Harris said she was with some friends at the ATO party late that evening after 11:00 p.m. Harris said she had been drinking alcohol that evening, but she was not drunk or high. She said she and her friends were at the DJ booth talking, listening to music and watching people dancing.

Harris said one of her friends pointed out to her that [REDACTED] and [REDACTED] were dancing together. Harris observed that [REDACTED] and [REDACTED] were "grinding" in a manner that stood out from the crowd. Harris said [REDACTED] was dancing with her back to [REDACTED]. She said [REDACTED] had his hands around [REDACTED]'s waist and hip area. [REDACTED]'s buttocks appeared to be close to [REDACTED]'s pelvis and touched periodically as they danced. Harris described [REDACTED] and [REDACTED]'s manner of dancing as "sexual," a little "aggressive," and "more intense" than the dancing of other people at the party. She said it was "different than average."

[REDACTED]

[REDACTED]

[REDACTED] said she may have spoken to [REDACTED] that night and possibly took a picture of [REDACTED] or with her, but she did not recall if she did.

[REDACTED] said she noticed that [REDACTED] and [REDACTED] continued to dance together in the same grinding manner for about three songs before Harris left the party. Harris said she did not see [REDACTED] or [REDACTED] again that evening.

Harris said she did not know if [REDACTED] or [REDACTED] were drunk or high.

[REDACTED]

Saturday, September 28, 2013: GLOW Party

Harris stated that she attended the GLOW party, but she did not see [REDACTED] or [REDACTED].

Thursday, October 3, 2013: [REDACTED] Met with [REDACTED] to talk about [REDACTED].

During the interview, [REDACTED] reviewed her mobile phone for relevant text messages from [REDACTED]. [REDACTED] later provided PII with 17 screenshots of text messages regarding [REDACTED] and the incident with [REDACTED].

Harris said the first time she became aware of the incident between [REDACTED] and [REDACTED] was on Thursday, October 3, 2013, at 2:09 p.m. Harris received a text message from [REDACTED] who wrote, "I'm not feeling good at all." She asked [REDACTED] if she was available to talk.

Harris said she and [REDACTED] met later that evening around 7:00 p.m. at the large patio area outside of the Marketplace and the Green Bean on campus. Harris said when she saw [REDACTED] [REDACTED] appeared to upset. Harris said they found a quiet area away from the other students where they talked.

Harris said [REDACTED] began telling her what happened with [REDACTED] and the story came



[redacted] remembered than (and) not in any order. [redacted] also said she also did not recall all of the details.

[redacted] said as [redacted] told her story, [redacted] observed that [redacted] appeared to be shaken, and noted that [redacted] demeanor was different than the young woman [redacted] met during orientation. She said [redacted] was not crying or angry or needing to be hugged. [redacted] seemed "shell-shocked." [redacted] said she was not sure what to do to help [redacted].

[redacted] said she and [redacted] went at the ATO party dancing together. [redacted] told [redacted] she also saw them at the ATO party. [redacted] said [redacted] asked her to go back to his room and [redacted] told him she was not interested. [redacted] said [redacted] that she did not want to have sex with him. [redacted] said [redacted] was "fine with that."

[redacted] said she saw [redacted] the next night at the GLOW party. [redacted] invited [redacted] back to his room again to "watch movies." [redacted] told [redacted] that she did not want to have sex and that she was "annoyed." [redacted] said [redacted] it was okay, they just watch movies and hang out. [redacted] thought it seemed fine and she said okay. [redacted] and [redacted] left GLOW and walked back to [redacted] room in Rangeway (currently Berus Hall). [redacted] saw a friend along the way, but they did not stop to talk to each other.

[redacted] said [redacted] and [redacted] went back to his room, but there were "no movies." [redacted] told her that [redacted] tried having sex with her, four or five times, inserting his penis into her vagina or anus. [redacted] said she told him "No," and told him to stop repeatedly. [redacted] said she never agreed to do it with him. [redacted] said she kept pushing him out, but he kept trying to have sex with her.

[redacted] said [redacted] described the evening as [redacted] trying to have sex with [redacted] by penetrating her multiple times, and [redacted] telling [redacted] to stop because she was in pain and did not want to have sex.

[redacted] remembered that [redacted] was either drunk or high or something, and it made it more difficult for her to understand what was happening with [redacted].

[redacted] said [redacted] left [redacted] was "obsessed" towards her. [redacted] said she was uncomfortable and wanted to leave, but [redacted] would not let her leave. [redacted] said [redacted] was "really aggressive" in the room and grabbed her arm when she tried to

[redacted] said [redacted] told her that sex happened with [redacted]. [redacted] did not know the details of what she had said sex with [redacted] only attempted to have anal sex with [redacted]. [redacted] said [redacted] told her there was something about anal sex.

[redacted] said [redacted] told her [redacted] was "very confident and cocky." [redacted] talked about "hot" words that he wanted that she love him. [redacted] said [redacted] would enjoy sex and that it was fun. [redacted] said [redacted] attitude towards her, then fluctuated and he would be "super mean" and "really outrageous."

[redacted] said [redacted] spent the night in [redacted]'s room and he walked her back to her room the next day. [redacted] said the situation was "really weird."

[redacted] said [redacted] did not know what to do about what happened. [redacted] feared getting in trouble and having her reputation further affected. [redacted] said she told her roommate about what [redacted] did to her and the roommate did not believe [redacted] was raped because [redacted] was not crying.

[redacted] said [redacted] wasn't sure at the time if it was rape or sexual assault. [redacted] said she felt uneasy about it. [redacted] said [redacted] suspected something was wrong because [redacted] went to Emmons Student Wellness Center to get tested for sexually transmitted diseases (STDs). [redacted] said [redacted] went to Emmons before they met that night, but she did not recall when she went.

[redacted]

[redacted] said she texted the former orientation team leader for advice, and she was referred to Project Sexual Assault Free Environment (SAFE) on campus. [redacted] then talked her friend, Katelyn Stevens, a student who worked at Project SAFE. [redacted] wrote One of my classmates had a sexual assault incident over the weekend, and she requested his assistance. [redacted] said [redacted] suggested setting up a meeting with Project SAFE Coordinator and Survivor Advocate, Nadia Palacios.

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Friday, October 4, 2013 - Meeting at Project SAFE with [REDACTED] and [REDACTED].

[REDACTED] said she accompanied [REDACTED] to meet with Palacios at Project SAFE. [REDACTED] told Palacios what happened with [REDACTED]. [REDACTED] said she did not recall exactly what [REDACTED] said to Palacios, but she remembered that it was consistent with what [REDACTED] told her the day before. [REDACTED] said the only difference was that [REDACTED] provided less information and fewer details to Palacios.

[REDACTED] remembered that [REDACTED] told Palacios that [REDACTED] tried to have sex with her and he penetrated her four or five times. [REDACTED] said she did not want to have sex and told him she was a virgin. [REDACTED] said [REDACTED] did not tell Palacios about the anal sex, or provide many details about that evening.

[REDACTED] said she felt [REDACTED] was sugar-coating the incident with [REDACTED] in what she was telling Palacios because she was afraid of getting him in trouble. [REDACTED] said she tried to encourage [REDACTED] to reveal more information to Palacios.

[REDACTED] said [REDACTED] wanted to know what Palacios thought about [REDACTED] a behavior. Palacios told [REDACTED] that what happened to her was "rape" because [REDACTED] assaulted her. [REDACTED] said [REDACTED] also asked Palacios what it meant if [REDACTED] had not been crying. [REDACTED] said [REDACTED] continually did not believe [REDACTED] was raped because she was not crying. Palacios told [REDACTED] "it doesn't mean you weren't raped or sexually assaulted if you're not crying."

[REDACTED] said Palacios discussed different resources available for [REDACTED]. [REDACTED] and Palacios discussed the stay-away order, but [REDACTED] did not want [REDACTED] to get in trouble. [REDACTED] said [REDACTED] was primarily interested in counseling. [REDACTED] said Palacios arranged for [REDACTED] to receive counseling.

**Ongoing Contact with [REDACTED]**

[REDACTED] said over the following months, she stayed in contact with [REDACTED] by text message, and they also ran into each other or met in person on campus.

[REDACTED] said she made an effort to check in with [REDACTED] periodically because she wanted to support [REDACTED] and make sure she was okay. [REDACTED] estimated that they communicated in some manner at least once a week. She said sometimes it was

decreased in frequency. [REDACTED] said

contact with [REDACTED] as a text message from [REDACTED] on February 13, 2014. [REDACTED] said the majority of her communications with [REDACTED] was about [REDACTED] and [REDACTED] of going running with him on campus.

[REDACTED] said it was difficult for her to remember clearly each conversation that she had with [REDACTED] about [REDACTED] because the conversations "blended together."

[REDACTED] scrolled through her text message history with [REDACTED] and read text messages from seven conversations out loud during the interview. [REDACTED] also provided these images to PII and they are attached to this interview summary.

**Sunday, October 6, 2013 - [REDACTED] - "A Stranger" Regarding Incident**

[REDACTED] said she checked in with [REDACTED] a couple of days after the meeting at Project SAFE. [REDACTED] sent a text message stating she felt "kinda strange" about what happened the previous weekend with [REDACTED]. [REDACTED] wrote she had not seen [REDACTED] since and she was trying to "avoid him as much as possible." [REDACTED] wrote she was "more aware of guys taking advantage of me" and "some creepers" she needed to avoid. [REDACTED] complained about having to be careful about who she was "party[ing] with."

[REDACTED] wrote back and suggested [REDACTED] get a stay-away order. [REDACTED] reassured that [REDACTED] wouldn't get in trouble and he would have to stay away from her. [REDACTED] wrote that she was unsure because "it's just so much going on now."

**Monday, October 7, 2013 - [REDACTED] - "A Stranger" Regarding Incident**

The following day, [REDACTED] sent [REDACTED] a text message after seeing [REDACTED] in passing on campus. [REDACTED] wrote [REDACTED] passed by her, but there was no contact between them. [REDACTED] wrote she felt "uneasy" and "nervous" (etc.) about seeing [REDACTED].

**Friday, October 18, 2013 - [REDACTED] - "A Stranger" Regarding Incident**

[REDACTED] said she and [REDACTED] were texting each other while [REDACTED] was at Emmons waiting

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**Tuesday, October 29, 2013 - [REDACTED]'s Behavior After the Stay-Away Letter**

[REDACTED] said after [REDACTED] requested a stay-away letter against [REDACTED], [REDACTED] saw him the next day. [REDACTED] said she received several text messages from [REDACTED] expressing concern about [REDACTED]'s behavior towards her. At approximately 11:00 a.m., [REDACTED] wrote that she was "nervous" about running into [REDACTED] after the stay-away letter was sent. [REDACTED] wrote [REDACTED] saw her and then "stormed off" in the other direction, "shaking his head and huffing and puffing." [REDACTED] wrote she wished the stay-away letter explained that the reason for it was sexual assault. [REDACTED] wrote that she planned to contact Palacios about [REDACTED]'s stay-away letter and whether it could include language regarding the sexual assault.

[REDACTED]

[REDACTED]

[REDACTED] wrote, "I'm scared I've never been this scared of a guy," and she was really all shaken up now (sic).

[REDACTED] asked [REDACTED] if she was ready to report the sexual assault to the school. [REDACTED] wrote that she did not know and she needed to calm down before making a decision.

**Thursday, November 7, 2013 - [REDACTED] Approached [REDACTED] on Campus**

[REDACTED] said [REDACTED] sent a text message about [REDACTED] trying to get close to her and her friends on campus. [REDACTED] wrote she and some friends were sitting in the quad and [REDACTED] got really close and then just walked passed us. [REDACTED] described the incident as "weird," but she wrote she did not feel threatened or scared. [REDACTED] wrote the incident was "ridiculous" and [REDACTED] was "trying to make a point or making it obvious to [REDACTED] that he was there."

**Thursday, February 13, 2014 - [REDACTED] Filed a Formal Complaint against [REDACTED]**

[REDACTED] said she and [REDACTED] did not have regular contact around this time. [REDACTED] said she was aware that [REDACTED] struggled with filing a formal complaint against [REDACTED] for several months after the incident. She said, [REDACTED] never wanted to get [REDACTED] in trouble. She was worried about hurting [REDACTED] and then she was afraid of what [REDACTED] would do to her.

[REDACTED] did not know that [REDACTED] filed the complaint against [REDACTED] until she received a text message from [REDACTED] on February 13, 2014. [REDACTED] wrote, "I decided to go with the trial and get [REDACTED] kicked out." [REDACTED] explained the reason she chose to file a complaint was because after the stay-away letter, [REDACTED] did not leave her alone and continued to bother her. [REDACTED] wrote "[REDACTED] continued to do weird stuff like approach me in the dark and stuff."

[REDACTED] wrote she felt it would be "best" to do something about [REDACTED] so she would not have to "worry about it later in college."

[REDACTED] said she has not spoken to [REDACTED] about the complaint or the investigation. [REDACTED] said she wanted to support [REDACTED] throughout the process and that was why she agreed to be interviewed.

**[REDACTED] Behavior after the Incident**

[REDACTED] said [REDACTED] observed changes in [REDACTED]'s demeanor and behavior. She said [REDACTED] was not as open and friendly as she was during orientation. She said [REDACTED] was "scared to do anything" and she felt like she "couldn't just go anywhere" because she worried about seeing [REDACTED].

[REDACTED] said [REDACTED] seemed sad and appeared to be "more dramatic." [REDACTED] was more concerned about controlling her weight.

[REDACTED]

**Relationship with Respondent**

Prior to agreeing to be interviewed by PI, [REDACTED] expressed conflicting concerns

(b) (7)(C), (b) (7)(D)

(b) (7)(C), (b) (7)(D)

[illegible]

Public Interest  
Investigations, Inc.

CONFIDENTIAL MEMORANDUM

TO: Ruth Jones,  
Title IX Coordinator,  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 15, 2014

RE: Sexual Misconduct Policy Complaint  
PJI Case No. 14-4235

SUBJECT: Informal Summary of M. [REDACTED] H. [REDACTED]

M. [REDACTED] was interviewed on March 7, 2014, at Occidental College by LU  
Kellers of Public Interest Investigations, Inc. (PJI).

Background Information:

M. [REDACTED] is a 21-year-old from Portland, Oregon. He is an economics major  
completing his senior year at Occidental College. M. [REDACTED] is the captain of the men's  
basketball team and a student program assistant at Project Sexual Assault Free  
Environment (SAFE). Project SAFE Survivor Advocate and Coordinator Naddia  
Palacios is his supervisor.

Project SAFE Program Assistant:

M. [REDACTED] stated he is a Project SAFE program assistant. He said he gives educational  
presentations to students on campus regarding sexual assault.

M. [REDACTED] said he began programming assistant since the fall 2013 semester. [REDACTED]

Interview Summary of M. [REDACTED]  
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Tuesday, October 29, 2013 - Male Student Volled at Palacios at the Project SAFE  
Office.

M. [REDACTED] stated that he was at the Project SAFE office at some point during the Fall  
Semester around 1:00 p.m. in the afternoon. M. [REDACTED] said he was at a desk in an  
office doing homework when he heard the main door open and someone enter.

M. [REDACTED] explained that the office is located in a small trailer that is divided into two  
areas by a large fabric curtain. He was sitting in an office on the other side of the  
curtain from Palacios' office and the main door.

M. [REDACTED] stated that he could hear someone walking into the office, but he did not see  
the person and the person did not see him. He said he then heard a male voice  
speaking to Palacios. He assumed this was a male student. He did not recognize the  
voice, and he did not know who the male student was.

M. [REDACTED] said the male student told Palacios that he received a letter or an email stating  
that he had been "indicted" on a sexual assault on campus. He heard Palacios explain  
her role as an advocate on campus. He heard Palacios and the male student talking  
briefly when the male student started yelling and screaming loudly. He said the male  
student suddenly "bumped on [Palacios] about the whole thing and [their discussion]  
started spiraling."

M. [REDACTED] said he stayed behind the curtain because he was not sure what to do. He  
said he did not want to see who the person was because he did not want to recognize  
the person later on campus. He said he still does not know the identity of the male  
student.

M. [REDACTED] said the male student immediately went on loud ranting regarding his  
volunteering on sexual assaults and his feeling that the college was unfair to the men on  
campus. He said the male student seemed very upset at the whole process and not  
knowing how to handle it or express it constructively.

Interview Summary of [REDACTED]  
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Interview Summary of [REDACTED]  
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The male student then asked Palacios about scenarios such as "If both of us are drunk how am I supposed to not do anything? When they're embarrassing me the whole time?"

M. [REDACTED] said the male student began mocking Palacios and Project SAFE by making comments such as, "What the fuck do you even do? This is fucking bullshit! What's your job?"

**Male Student Left Project SAFE**

M. [REDACTED] said Palacios made several attempts to calm the male student. The male student would become quiet for a moment, and then start yelling again. M. [REDACTED] said at one point, he recalled hearing the male student, quiet down and the door open like he was leaving, but then the male student would become angry again and start yelling inside the office. M. [REDACTED] said the male student seemed to be aware of his behavior and apologized a couple times for yelling so much.

M. [REDACTED] said the male student initially left Project SAFE, but he was not happy when he left. M. [REDACTED] said the entire incident lasted for approximately 15 to 20 minutes.

Once the male student left Project SAFE, M. [REDACTED] said, "I just sat there in shock." He said Palacios came over to check on him and make sure he was okay. Palacios called campus police.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Public Interest  
Investigations, Inc.

**CONFIDENTIAL MEMORANDUM**

TO: Ruth Jones  
Title IX Coordinator  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 15, 2014

RE: Sexual Misconduct Policy Complaint  
File Case No. 14-4235

SUBJECT: Interview Summary of [REDACTED]

M. [REDACTED] was interviewed on February 24, 2014, at Occidental College by L. Palacios of Public Interest Investigations, Inc. (PII).

**Background Information**

M. [REDACTED] is 21 years old from Portland, Oregon. He is a junior at Occidental College and majoring in film with a minor in history.

**Relationship with Complainant**

M. [REDACTED] said he has had limited interaction with Complainant. [REDACTED] He said they are not friends. He said he has seen her at a party with the Respondent, and he met her on one occasion in his room at Rensselaer (currently Belfrage Hall) with [REDACTED].

**Relationship with Respondent**

M. [REDACTED] said he has known the Respondent [REDACTED] since freshman year at school. He described [REDACTED] as one of his very, very good close friends and said they have a good relationship. He said [REDACTED] is a great friend.

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W [REDACTED] said he lived down the hall from him freshman year. He said they became friends and then roommates in August 2013. He said he and [REDACTED] were living together in Bangorview (currently Benrus Hall) prior to [REDACTED] suspension. W [REDACTED] said he has seen [REDACTED] on a daily basis at Occidental since August 2013.

Ongoing Contact with [REDACTED]

Since [REDACTED] left campus, W [REDACTED] said he stays in touch with [REDACTED] and they occasionally communicate by phone. He said he does not speak to [REDACTED] about [REDACTED] because it is not a pleasant topic. He said he last spoke to [REDACTED] about two weeks prior to our interview.

September 27, 2013, ATO Party

W [REDACTED] said he attended a party at the ATO house with his girlfriend. He said they did not go with [REDACTED] but he saw [REDACTED] at the party. He estimated that he was at the party from around 10:00 p.m. to about 10:30 p.m. He said he did not spend a lot of time at the party and he left early because he has an "old person" sleep schedule, and is usually in bed by 10:45 p.m. or 11:00 p.m.

W [REDACTED] said while he was at the party, he looked over and saw [REDACTED] standing on the porch. He said [REDACTED] was seated upright and [REDACTED] was seated in a chair. He said [REDACTED] was not real, and he could not hear if they were talking.

W [REDACTED] said he assumed [REDACTED] and [REDACTED] were drunk. He said he did not know why he believed that. He estimated [REDACTED] was standing on the couch for at least 10 minutes. He said he knew it was [REDACTED] because [REDACTED] introduced her to him the following morning.

W [REDACTED] said he did not know if [REDACTED] and [REDACTED] attended the party together. He did not know if [REDACTED] knew [REDACTED] prior to the party. He did not recall hearing [REDACTED] talking about [REDACTED] prior to the party. He did not know if [REDACTED] and [REDACTED] had had any interaction prior to the ATO party.

[REDACTED] and [REDACTED] returned to Bangorview (Benrus Hall) Room 328A

W [REDACTED] said he returned to his room at Bangorview before [REDACTED] W [REDACTED] said he stayed in an apartment with [REDACTED] and a third student, J. [REDACTED] W [REDACTED] and W [REDACTED] each have single private rooms with a door and share a hallway, bathroom and small common entrance area. W [REDACTED] said his room is in between [REDACTED] and W [REDACTED] s room. He said the walls are "paper thin," and he can hear "anything" going on in [REDACTED] and W [REDACTED] s rooms.

W [REDACTED] said he was in his room with the door closed getting ready to bed when he heard the front door open. He heard [REDACTED] s voice and a female voice that he assumed belonged to [REDACTED]. He said he could hear the sounds of two people talking but he could not hear what they were saying. He said he stayed in his room with the door closed because he wanted to go to sleep and he did not want to speak to anyone. He did not see [REDACTED] or [REDACTED] that evening.

About 15 minutes after [REDACTED] and [REDACTED] had returned, W [REDACTED] said he could hear the sound of their voices fading in [REDACTED] s room. He said he could not hear what they were talking about, but at one point, the conversation got animated enough, and loud that he threw a shoe at the wall he shared with [REDACTED]. W [REDACTED] said it was the way he and his roommates communicated to one another to quiet down. He said they quieted down.

W [REDACTED] said he fell asleep and slept through the night until he woke up the next morning. He was not sure what time he woke up, but it was before noon.

W [REDACTED] said he is sometimes a deep sleeper and sometimes a light sleeper. He did not recall anything that disrupted his sleep that night. He did not recall hearing any screaming, arguing, or the sounds of a struggle. He said he did not hear anything that would have caused him to be alarmed.

W [REDACTED] said he had about six beers, but he was not drunk or high when he went to sleep. He did not know if the six beers would have affected his ability to hear things while he was sleeping.

W [REDACTED] said he did not recall hearing anything from [REDACTED] s room that night that would have indicated a sexual assault was happening.

09/29/12 22:09:44



Interview Summary of [REDACTED] W [REDACTED]  
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The Following Morning:

W [REDACTED] said when he woke up in the morning, he heard sounds in [REDACTED] room, but he did not know what the sounds were. He said it was not anything unusual. When [REDACTED] opened his door to go to the bathroom, [REDACTED] and [REDACTED] were exiting [REDACTED] room and standing in front of him.

W [REDACTED] said [REDACTED] and [REDACTED] were fully dressed. He did not notice anything unusual or out of the ordinary about [REDACTED] or [REDACTED] demeanor. He said [REDACTED] seemed tired, and [REDACTED] seemed excited to have W [REDACTED] meet [REDACTED] W [REDACTED] said [REDACTED] had not had a girl over the entire semester, so he assumed that was the reason [REDACTED] was excited.

W [REDACTED] said [REDACTED] introduced him to [REDACTED] and they exchanged brief greetings. W [REDACTED] said he had just woken up and he was wearing his boxer shorts so he was not in his best mood to be introduced to someone new. He said [REDACTED] also seemed to be tired. He said they both put on a polite, "hey, nice to meet you," and then [REDACTED] told him they were going to get breakfast. W [REDACTED] said [REDACTED] and [REDACTED] left.

W [REDACTED] said he did not observe anything unusual about [REDACTED] demeanor or her interaction with [REDACTED]. He said there was nothing that caused him to question. Nothing made me think that [REDACTED] sexual assault happened or allegedly happened.

W [REDACTED] said it was the first time he had [REDACTED] and the last time he saw her.

[REDACTED]'s Comments about [REDACTED]

W [REDACTED] said he did not speak to [REDACTED] about [REDACTED] until about a week after the AIO party. W [REDACTED] said the reason he did not talk to [REDACTED] was because W [REDACTED] was busy doing other things and did not have a chance to see [REDACTED].

W [REDACTED] said he thought [REDACTED] may have been important to [REDACTED] because she was the first girlfriend [REDACTED] had been with that semester.

W [REDACTED] said "I remember asking [REDACTED] if he had sex with [REDACTED] that night. He said, 'No, [REDACTED] just slept together.' [REDACTED] said, 'I told me he didn't have sex'."

W [REDACTED] said "I remember asking [REDACTED] if he had sex with [REDACTED] that night. He said, 'No, [REDACTED] just slept together.' [REDACTED] said, 'I told me he didn't have sex'."

Interview Summary of [REDACTED] W [REDACTED]  
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W [REDACTED] said he did not know if [REDACTED] and [REDACTED] engaged in other types of sexual activities such as oral or anal sex, or if [REDACTED] penetrated [REDACTED] vagina or anus with his penis. W [REDACTED] said he did not ask because he was not interested in the details of [REDACTED] sexual activities.

W [REDACTED] said based on [REDACTED]'s answers about [REDACTED] and the fact that W [REDACTED] did not hear anything unusual in his room on the night [REDACTED] came over, he assumed nothing happened.

[REDACTED] Removed from Campus

W [REDACTED] said the next time he talked to [REDACTED] about [REDACTED] was months later, when [REDACTED] was being forced out of the dorm and removed from campus because of [REDACTED] allegations against him.

W [REDACTED] said he, [REDACTED] and W [REDACTED] were shocked by what was happening. W [REDACTED] said he asked [REDACTED] to explain [REDACTED] told him after [REDACTED] spent the night in his room, he tried to contact her by text message to "hang out." [REDACTED] said [REDACTED] said no or she did not respond. [REDACTED] and he then cut everything off with [REDACTED] and did not contact her again.

W [REDACTED] said [REDACTED] told him there had been no contact with [REDACTED] in a while, but he received a "restraining order" from [REDACTED]. He said [REDACTED] was confused by this because he no longer had any contact with [REDACTED]. [REDACTED] said at some point after the restraining order, [REDACTED] had a claim against him and he was being kicked out because of it.

W [REDACTED] said, "Me and my roommate were shocked. Who thinks something like this is going to happen to your friend?"

W [REDACTED] said someone from the college went to their room and they gave [REDACTED] only five hours to get all his stuff and get off campus. He said [REDACTED] did not have enough time to pack and [REDACTED] belongings remained in the room. He said [REDACTED] room is currently locked and no one can access it.

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[illegible]

W said he and the Respondent are good friends. He said they have known each other since freshman year when they lived a couple of doors away from each other in the dorm.

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W [redacted] said he and [redacted] have remained good friends during the last three years. He said they became "buddies" last semester, and then he saw [redacted] every day. He said they talked often and shared similar interests. [redacted] and he played on the school soccer team and [redacted] is a "big supporter" and fan of the sport of soccer.

W [redacted] said he would not keep anything from [redacted] and [redacted] would not keep anything from him.

W [redacted] said as soon as [redacted] found out about [redacted] allegations against him, he filed him in right away. W [redacted] said, "I tried to help him and give advice."

ATO Party

In late September or early October, 2013, W [redacted] said he, [redacted] and a group of their friends went to the ATO party together around 10:30 p.m. or 11:30 p.m. He did not recall who was a part of their group. He said he and [redacted] were drinking alcohol before they went to the party. He said no one in their group, including [redacted], were "super-crumbling drunk." He said [redacted] may have been "tipsy."

W [redacted] said he and [redacted] walked into the ATO party together. W [redacted] stayed in a close proximity of with [redacted] for most of the evening. W [redacted] said the party was on one floor of the house. There was a DJ, music, and dancing in the main room.

W [redacted] said about a half hour after they arrived at ATO, he noticed that [redacted] was standing and grinding with [redacted] and they were kissing and snuggled. He said [redacted] was dancing in front of [redacted]. He said [redacted] had her butt in his groin area, and [redacted] grabbed her waist. He said there was "full-on touching" between [redacted] and [redacted]. W [redacted] said, "It seemed mutual like they were both having a good time, a spur of the moment thing. They seemed into it."

W [redacted] said [redacted] and [redacted] danced for about 10 to 15 minutes and then they moved to a couch that was next to the dance floor. W [redacted] said [redacted] was "straddling" [redacted] and hooking up on top of him and snuggled. He said they were "tongue kissing" and touching each other for about 10 minutes. He said he was not sure how they were touching each other, but [redacted] wasn't feeling up her boots. He said they were fully clothed and just making out.

W [redacted] said he was with their group of friends and they noticed that [redacted] and [redacted] were together. W [redacted] said, "We were like, 'Oh, [redacted] snuggling up.' Just their queefing! I didn't think twice about it. I was like, 'One of people hook up at ATO.'"

W [redacted] said he was not introduced to [redacted] and he did not speak to him. [redacted] people at that party had at least one or more drinks."

W [redacted] said he stayed at the party for about 45 minutes or an hour. He was unsure if [redacted] came back with him, or if [redacted] stayed at the party. W [redacted] thought [redacted] came back with him that night after the party.

Talking about [redacted]

W [redacted] said at some point after the ATO party, possibly later that same evening, [redacted] told him about [redacted]. He said [redacted] told him she was a lesbian and a freshman. He was like, "hoping they might be able to hook up again. He seemed like he was excited about it, like that was a good night. He was happy that happened."

[redacted] and W [redacted] he and [redacted] talked, but he did not say what they talked about. [redacted] said [redacted] did not tell him anything about how [redacted] or if he knew her before the ATO party. [redacted] said he assumed they met at the ATO party.

[redacted] brought [redacted] back after the QLOW party

W [redacted] said he did not go to the QLOW party. He said he did not know if [redacted] planned to go to the party with [redacted] or any details about who [redacted] went with to QLOW. He did not know if [redacted] drank alcohol or smoked marijuana before going. He said he did not know [redacted] and [redacted] had any contact with each other since the ATO party.

W [redacted] said he stayed in the dorm somewhere and returned to his room early, before midnight. W [redacted] said he shared a dorm suite with [redacted] and [redacted]. W [redacted] said they each have their own rooms with doors and share a bathroom and hallway. W [redacted] said his room is next to [redacted] room, and [redacted] room is in between his and [redacted] room. W [redacted] said his walls are paper thin in their suite. He said he can hear things in [redacted] room, but he cannot hear anything from [redacted] room.

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He thought the door was shut, but he was not sure. He said he did not see [redacted] hit  
he assumed [redacted] was [redacted] because of what he saw the night before at the A/O party.

W [redacted] said, "I didn't hear anything else that night." He said he did not hear anything that  
would have indicated there was a problem such as screaming or arguing. He said  
there was no yelling or disturbance of anything. She left quietly and quickly.

W [redacted] said the next morning he heard [redacted] leaving around 9:00 a.m. He said he  
heard [redacted] open his door and some talking between [redacted] and [redacted]. He did  
not hear what they were saying. He then heard the sound of someone leaving. W [redacted]  
said [redacted] came into his room at some point after [redacted] left, possibly right after she  
left.

**Discussed Spending the Night with [redacted]**

W [redacted] said he asked [redacted] what happened. [redacted] said [redacted] was the person  
from the A/O party the night before. W [redacted] responded, "Cool, how did it go?"  
[redacted] told him, "Not much happened." W [redacted] stated, "They started hooking up and [redacted]  
[redacted] (she was a virgin and did not want to have sex at all that night) and  
[redacted] respected that."

W [redacted] said [redacted] told him there was a disagreement about what they would do  
sexually and how far they were going to go. [redacted] told him they ended up talking  
most of the night about Oxy and went to bed around 3:00 a.m.

W [redacted] described [redacted] as a person of no content, but [redacted] also pointed out that it didn't work  
out. W [redacted] said they weren't on the same page in terms of hooking up and what was  
comfortable and stuff. He didn't seem angry. He seemed more like it happens  
stuff doesn't work out, just move on and do something else. He didn't seem overly  
mad or angry. [redacted]

W [redacted] said [redacted] told him he and [redacted] did not have sex because she was a virgin.  
He said [redacted] did not tell him about any details of that night. W [redacted] said he did not  
know if [redacted] and [redacted] had other types of sex, such as oral sex or anal sex. He  
said he did not know if [redacted] attempted to have sex with [redacted] by penetrating her  
vagina or anus or attempting to penetrate her.

While [redacted] thought [redacted] may have told him that [redacted] tried to perform oral sex on  
[redacted] for a second, but it was awkward. However, he said he was not 100  
percent sure if [redacted] said this to him. He said he assumed [redacted] and [redacted]  
probably touched each other's genitalia, but he did not know if that was true.

W [redacted] said [redacted] said she specifically said she was a virgin before anything had  
happened. He said [redacted] was not interested in doing anything more with [redacted] after  
she said that because it turned him off and everything completely stopped.

**Sent Text Messages to [redacted]**

W [redacted] said after [redacted] spent the night, [redacted] sent a couple of text messages to  
[redacted] asking him to "hang out." [redacted] said [redacted] did not respond to the text  
messages or she said no.

W [redacted] said [redacted] wasn't super hurt about it. He said [redacted] commented  
sometimes it works out and sometimes it doesn't. "In your hook up at a party, there's  
no guarantee (you'll) like each other or want to date."

W [redacted] said [redacted] did not try to contact [redacted] or see her again. He said that he and  
[redacted] did not talk about [redacted] again until [redacted] received a text away later from  
[redacted].

**Received a Stay Away Letter from [redacted]**

W [redacted] said at some point late in the semester, possibly in November or December,  
[redacted] received an email that he was "really confused over." The email informed him  
not to have contact with [redacted], including saying hello, or sending a text message.

W [redacted] said [redacted] was "confused" by the letter and did not understand why [redacted] did  
not talk to him directly about what was bothering her. He said [redacted] felt like he did  
nothing wrong.

W [redacted] said [redacted] told him that he saw [redacted] around campus a few times, but she  
was super not responsive and not looking at him or acknowledging him.  
W [redacted] said at some point [redacted] received a second email telling him to stay away  
from [redacted]. W [redacted] said [redacted] told [redacted] about it and didn't know what he did  
wrong. W [redacted] said due to the controversy over the sexual assault policy on campus.

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Interview Summary of [REDACTED] [REDACTED] [REDACTED]  
Public Interest Investigators, Inc.  
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W- said he, [redacted] and W- discussed the situation regarding [redacted] and the sexual assault policy.

W. [redacted] said, he understood from [redacted] that his involvement with [redacted] was limited to the weekend of the ATO and GLOW parties, and "they never had sex because she told him she was a virgin."

## Suspended from Collage

W. said about three weeks prior to this interview, he learned that ██████ was suspended. He said, "█████ said, 'I just got suspended.' I was like, 'What?'" He had no idea.

Ms. [redacted] said the dental staff gave [redacted] cardboard boxes and told him to pack everything and leave the dorm by 5:00 p.m. that day. Witness [redacted] said he and [redacted] were very upset.

W [redacted] said [redacted] told the situation was unfair and [redacted] shouldn't be happening.

W. said, "I told me he got caught up in a sexual assault case and it was like, 'Wow, I had no idea.' While sitting at first, he did not know it was [redacted]."

██████████ said he eventually figured out it was ██████████ because of the  
██████████ play away offers.

\_\_\_\_\_ said he drove \_\_\_\_\_ to Santa Monica, and they talked about his suspicions during the drive. He said, "\_\_\_\_\_ wasn't as mad as I would've been, but he was pretty down \_\_\_\_\_." He \_\_\_\_\_ said \_\_\_\_\_ did not talk about what happened with \_\_\_\_\_ that night again.

Interview Summary of J [REDACTED] W [REDACTED]  
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██████████ said they generally avoid discussing ██████████ because he does not want to upset ██████████.

Waller said he wanted to be supportive of [redacted] and he was happy to be a witness on his behalf.

[REDACTED]

[illegible]

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Interview Summary of J. [REDACTED] T. [REDACTED] W. [REDACTED]  
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**[REDACTED]'s General Behavior and Past Relationships with Women**

W. [REDACTED] said [REDACTED] can be "boisterous and noisy and clumsy." [REDACTED] For example, W. [REDACTED] said [REDACTED] is "super into the Arsenal soccer team" and he watches their games in the common room. He said [REDACTED] gets very excited when watching their games and he yells and throws things.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Public Interest  
Investigations, Inc.

**CONFIDENTIAL MEMORANDUM**

TO: Ruth Jones  
Title IX Coordinator  
Occidental College

FROM: Public Interest Investigations, Inc.

DATE: April 15, 2014

RE: Sexual Misconduct Policy Complaint  
PII Case No. 14-4235

SUBJECT: Interview Summary of J. [REDACTED] M. [REDACTED]

J. [REDACTED] M. [REDACTED] was interviewed on February 25, 2014, at Occidental College by UI Fellows of Public Interest Investigations, Inc. (PII).

**Background Information**

J. [REDACTED] M. [REDACTED] is 19 years old and from the Bay Area of California. She is a sophomore at Occidental College and a politics major.

**Relationship with Complainant**

M. [REDACTED] said she is friends with the Complainant, [REDACTED]. M. [REDACTED] was an orientation leader and she met [REDACTED] during orientation. She also lives in the same dorm as [REDACTED]. M. [REDACTED] lives on the second floor and [REDACTED] lives on the third floor.

M. [REDACTED] described her relationship with [REDACTED] as "acquaintances" until the incident occurred. M. [REDACTED] said [REDACTED] confided in her about it and as a result they became "closer."

M. [REDACTED] said [REDACTED] seemed like a "normal freshman" starting at a new school in a new environment. She said [REDACTED] appeared to be "very friendly" and "very outgoing."

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Interview Summary of [REDACTED] M. [REDACTED]  
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Relationship with Respondent

M. [REDACTED] said she knows the Respondent, [REDACTED] through a Politics 101 class that they both took during her freshman year. M. [REDACTED] said she also knew [REDACTED] from seeing him around campus with his friends or smoking in the Quad. She said she and [REDACTED] often exchanged an "Oxy" in the Quad. She explained that since Occidental is a small school, students often exchange an "Oxy" with other students without being formally introduced or knowing each other's names.

M. [REDACTED] said [REDACTED] is a behavior in her class was very assertive, very opinionated, extended conversation with [REDACTED] and if she saw him at a party, she may have exchanged ten words with him.

September 28, 2013 - GLOW Party

M. [REDACTED] said she saw [REDACTED] briefly at the beginning of the GLOW party at the entrance. She said they exchanged greetings and took a picture together. She said she saw [REDACTED] for about five to seven minutes. She said [REDACTED] seemed very excited and surprised. M. [REDACTED] said she did not see [REDACTED] drinking alcohol or using drugs. She did not see whom [REDACTED] was with, or what she was doing.

M. [REDACTED] said she did not see [REDACTED] again that evening.

Conversations with [REDACTED] about [REDACTED]

M. [REDACTED] said she was unclear of the timeline of everything and she was uncertain of some facts of the incident. M. [REDACTED] said she never saw [REDACTED] and [REDACTED] together. She said everything she knows about [REDACTED] the incident was told to her by [REDACTED].

October 2, 2013 - First Conversation with [REDACTED]

M. [REDACTED] estimated her first conversation with [REDACTED] about [REDACTED] occurred some time around the beginning or middle of the semester, or about a week after the GLOW party.

Interview Summary of [REDACTED] M. [REDACTED]  
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Page 3

M. [REDACTED] said [REDACTED] asked to speak to her, and they were alone at the dorm when they talked. [REDACTED] began by asking if M. [REDACTED] knew [REDACTED]. M. [REDACTED] said she assumed that [REDACTED] was beginning to describe a "positive" encounter, but as the story progressed, it became clear that it was not a positive story.

M. [REDACTED] said [REDACTED] he went to [REDACTED] a room and they were "hooking up." [REDACTED] was unsure of what happened, but she thought she "lost her virginity." M. [REDACTED] said [REDACTED] wanted to have sex, and [REDACTED] didn't really want to do that, but he kept saying it would be okay.

M. [REDACTED] said [REDACTED] that "sometime," [REDACTED] slipped his penis into her vagina before she realized what he was doing. [REDACTED] said, "It hurt a lot when [REDACTED] penetrated her." [REDACTED] said she did not want [REDACTED] to penetrate her and she told him she didn't really want to do that.

M. [REDACTED] said [REDACTED] that [REDACTED] was being very aggressive and forcing about it. M. [REDACTED] assumed [REDACTED] was being manipulative because [REDACTED] also complained that [REDACTED] was being manipulative towards her. M. [REDACTED] said [REDACTED] made comments to her such as "I'm not good enough for you."

M. [REDACTED] said [REDACTED] seemed surprised and concerned about what happened with [REDACTED]. M. [REDACTED] said [REDACTED] wanted to know what M. [REDACTED] thought about the encounter. M. [REDACTED] said [REDACTED] asked her for an answer for what happened.

M. [REDACTED] said [REDACTED] encouraged [REDACTED] to talk about how she felt regarding the encounter. M. [REDACTED] did not recall if [REDACTED] used the terms "rape" or "sexual assault" during their conversation.

M. [REDACTED] then explained to [REDACTED] that there were resources available on campus and options for [REDACTED] to receive support. [REDACTED] said [REDACTED] did not seem interested in discussing those resources and options because [REDACTED] was still trying to understand what happened with [REDACTED].

M. [REDACTED] said [REDACTED] had already spoken to [REDACTED] another orientation leader. M. [REDACTED] said [REDACTED] urged [REDACTED] to go to Project Sexual Assault, Free Environment (SAFE). M. [REDACTED] said her approach towards [REDACTED] was less aggressive than H. [REDACTED] instead advised [REDACTED] to take their time to think about it.



October 3, 2013 - Second Conversation with [REDACTED]

[REDACTED] said the second conversation she had with [REDACTED] occurred the following day. She said [REDACTED] sent her a Facebook message on October 3, 2013 at 10:30 p.m. and wanted to speak to her. [REDACTED] said she and [REDACTED] were in one of their rooms and talked about it.

[REDACTED] said [REDACTED] was "concerned" and "scared of [REDACTED]". She said [REDACTED] appeared to be nervous and feeling "very depressed" by what [REDACTED] did to her. [REDACTED] said [REDACTED] told her she needed to "confront" [REDACTED] about what happened. [REDACTED] said [REDACTED] wanted to tell him that what he did wasn't okay. "[REDACTED] can't treat people like that," [REDACTED] said. [REDACTED] was concerned that [REDACTED] might do the same thing to someone else.

[REDACTED] said [REDACTED] began describing additional examples of [REDACTED]'s behavior. [REDACTED] said [REDACTED] tried to make [REDACTED] feel bad about not having sex. [REDACTED] said [REDACTED] told her, "You're not that great, why not let me have sex with you?"

[REDACTED] said [REDACTED] also felt unable to leave. [REDACTED] was not sure if [REDACTED] meant she was physically unable to leave or she was physically prevented from leaving by [REDACTED]. [REDACTED] said [REDACTED] did not go into detail regarding the specifics of what happened, such as how many times [REDACTED] was penetrated by [REDACTED]. [REDACTED] assumed there was only one penetration.

[REDACTED] said she also recalled that [REDACTED] mentioned possibly leaving "Squirt" in his room. October 3, 2013 - Attempted to Confront [REDACTED]

[REDACTED] said that, the same evening, [REDACTED] decided to find [REDACTED] at his dorm and confront him about what happened. [REDACTED] said [REDACTED] was "scared," "worried," and "nervous" about seeing [REDACTED]. [REDACTED] asked [REDACTED] to go with her.

[REDACTED] said she and [REDACTED] walked from Pauley Hall over to Rangview Hall. [REDACTED] said she went with [REDACTED] to make her "more comfortable" and to see if she needed anything.

Along the way, [REDACTED] and [REDACTED] stopped at the coffee cart where [REDACTED] expressed

[REDACTED] said, "[REDACTED] was very up in the air about whether to go through with confronting [REDACTED]". [REDACTED] said she tried "not to push [REDACTED] one way or another," but [REDACTED] reminded [REDACTED] she had homework to do, so [REDACTED] decided to continue with her plan.

[REDACTED] said since they could not enter Rangview without a key card, [REDACTED] called a friend, C.W., who was a residential advisor (RA) in the building. She said they did not tell [REDACTED] why they were there, but he appeared to understand what was happening. [REDACTED] offered resources to [REDACTED].

Once [REDACTED] and [REDACTED] entered Rangview, they had difficulty finding [REDACTED]'s room. [REDACTED] could not remember where it was and they had to look it up in the directory. [REDACTED] said when they finally found [REDACTED]'s room, there was a lot of noise and music coming from the room like they were having a party.

[REDACTED] said [REDACTED] seemed "super uncomfortable" and "intense" as they stood outside of [REDACTED]'s room. [REDACTED] said, "We're standing there for along time in silence and did not want to push the one way or another." [REDACTED] estimated that she and [REDACTED] stood there for about 15 minutes. [REDACTED] said, "It was such a long night."

[REDACTED] said she observed that [REDACTED] seemed to be "hiding to herself." "Should I do it or not do it?" At some point, [REDACTED] spoke out loud about what to do. [REDACTED] said, "[REDACTED] really wanted to do it, [REDACTED] felt too uncomfortable." She seemed quiet and dimly scared and awkward.

[REDACTED] said with the music and loud noise, it sounded like there were "lots of people" in the room. [REDACTED] said at one point, as they stood there, a person came out and "broke out" and turned to face the wall. [REDACTED] said [REDACTED] panicked. [REDACTED] said, "[REDACTED] said, 'We left very soon after that.'"

[REDACTED] said although [REDACTED] did not confront [REDACTED], [REDACTED] still wanted to confront him somehow. [REDACTED] said [REDACTED] discussed possibly sending a text message to [REDACTED] before going to confront him.

Ongoing Conversations with [REDACTED]

[REDACTED] said she and [REDACTED] have not really discussed the incident since going to

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