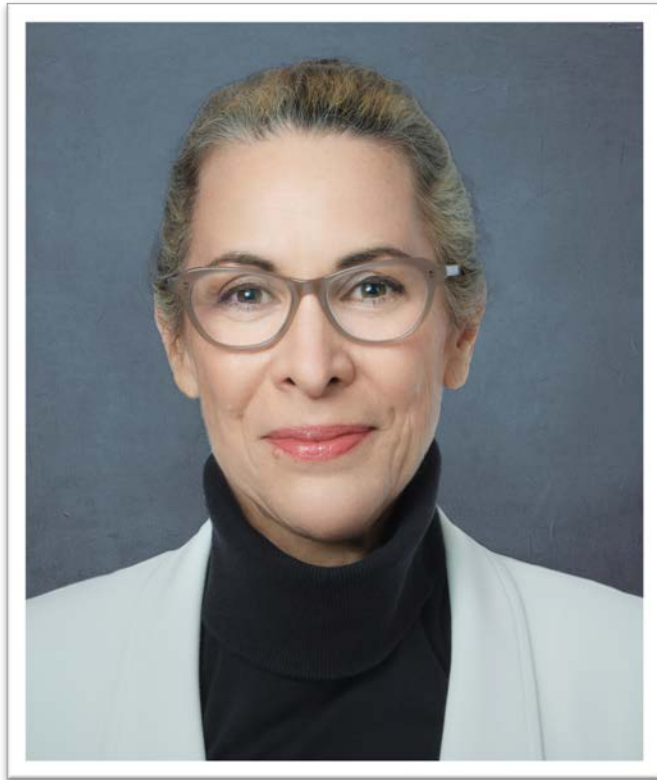


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Decision-Makers: A Deep Dive into Serving in this Critical Role Day 1

Jody Shipper
Managing Director
December 2020

Your Facilitator



Jody Shipper, J.D.

Co-Founder and Managing Director

Jody Shipper is a nationally-recognized subject-matter expert with more than 20 years of experience in Title IX and related fields. She is known for her insight into best-in-class programming, policies, and community outreach aimed at addressing sexual misconduct on campus. She lectures extensively at universities and conferences throughout the U.S. on Title IX, VAWA, harassment, and implementation of best and emerging practices. Jody received her J.D. from the University of California, Hastings College of Law and her bachelor's degree from Georgetown University's School of Foreign Service.



Overview of the Morning

01

Regulatory Overview

2C

What to Ask Complainant

02

Let's Practice!

2D

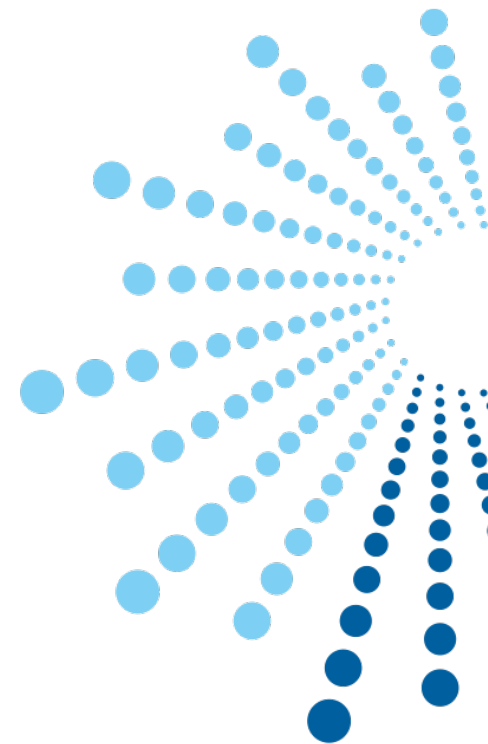
What to Ask Respondent

2A

Breaking Down Policy Elements

2B

Developing a Plain



May 2020 Final Title IX Regulations

New definitions

Jurisdictional requirements

Highly specified procedures for:

- Mandatory response
- Support measures
- Notice
- Evidence review, draft reports
- Hearings

NOT defined in regulations

Defined in
regulations

Only THESE get the new processes

Section 106.30: Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An **employee** of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it **effectively denies** a person equal access to the recipient's education program or activity; or
- (3) "**Sexual assault**" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "**dating violence**" as defined in 34 U.S.C. 12291(a)(10), "**domestic violence**" as defined in 34 U.S.C. 12291(a)(8), or "**stalking**" as defined in 34 U.S.C. 12291(a)(30).

Mandatory Response to Each Report

Discuss/implement support measures

Can have support without filing formal complaint

Options for resolution and how to file

Overview of Investigation

Notice

Trained investigator collects information

Investigator shares evidence “directly related” to allegations with parties

Parties have 10 days to respond

Investigator creates summary of “relevant” evidence and shares with parties

Parties have 10 days to respond



Directly Related Evidence

Regulations do not define “Directly Related” Evidence

Preamble states it should be interpreted using its plain and ordinary meaning.

Term is broader than:

- “all relevant evidence” as otherwise used in Title IX regulations, &
- “any information that will be used during informal and formal disciplinary meetings and hearings” as used in Clery Act

Includes evidence upon which the school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source

Logical connection between the evidence and facts at issue

Assists in coming to the conclusion – it is “of consequence”

Tends to make a fact more or less probable than it would be without that evidence



Can You Have a General
Rule About Evidence In
Title IX Investigations?



Evidence That Will Not Be Considered



Rape Shield
Protections



Privileged
Information

The Essential Elements of All Hearings

Clear Procedures

Due/Fair Process

Fair, Equitable, and Neutral

Consistency

Trauma Informed

Well Trained Personnel

Procedural Requirements for Hearings

Must be live, but can be conducted remotely

No Compelling participation

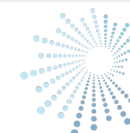
Standard of proof used may be preponderance of the evidence or clear and convincing; standard must be the same for student and employee matters

Cross examination must be permitted and must be conducted by advisor of choice or provided by the institution

Decision maker determines relevancy of questions and evidence offered

Exclusion of Evidence if no cross examination

Written decision must be issued that includes finding and sanction



Other Decisions

Will you include Opening, Closing, or Impact Statements? NOT required, but you need to decide.

How will questioning take place?

How will questions be submitted?

Will there be any restrictions on questions that can be asked, such as due to relevancy, already asked and answered, unduly harassing?

If done remotely, how will the technology be set up?

If in person, room set-up and who is in the room?

Cross Examination

Who does it?



MUST BE
CONDUCTED BY
THE ADVISOR



IF PARTY DOES NOT
APPEAR OR DOES NOT
PARTICIPATE, ADVISOR
WILL APPEAR & CROSS



IF PARTY DOES NOT HAVE
AN ADVISOR,
INSTITUTION MUST
PROVIDE ONE

Cross Examination

Courtroom Rules Do Not Apply

- Questions must be relevant
- Not relevant
 - Duplicative questions
 - Questions that attempt to elicit information about
 - Complainants prior sexual history
 - Privileged information
 - Mental health

Decorum at the Hearing

- ❖ A recipient may adopt rules of order or decorum to forbid badgering a witness, and may fairly deem repetition of the same question to be irrelevant
- ❖ A postsecondary institution recipient may adopt reasonable rules of order and decorum to govern the conduct of live hearings
- ❖ Schools “retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.”

Cross Examination

Impact of Not Appearing



Exclusion of all statements of that party

Exception- DOE Blog



What if a party or witness appears, but does not answer all questions

Let's Practice!

First...



Break a policy
down to its
elements



Everyone take
policy (see
next page),
sketch out the
elements



Report back

Sexual Harassment: *Section 106.30*

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An **employee** of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it **effectively denies** a person equal access to the recipient's education program or activity; or
- (3) "**Sexual assault**" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "**dating violence**" as defined in 34 U.S.C. 12291(a)(10), "**domestic violence**" as defined in 34 U.S.C. 12291(a)(8), or "**stalking**" as defined in 34 U.S.C. 12291(a)(30).

Example: Sexual Harassment

What was the conduct?

- ☐ Unwelcome conduct (subjective)
- ☐ Sexual or based on sex
- ☐ Severe
- ☐ Pervasive
- ☐ Objectively offensive
- ☐ Denial of equal access

Break Out!

#1

Say hi!

Pick a scribe

Discuss

- Given the elements you need to cover, list each element and the party or witness who has information specific to that element

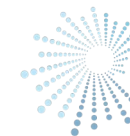
Come back prepared to discuss

- I will call on each group one by one



Report Out

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Did You Also Cover . . . ?

- ☐ On campus?
- ☐ Program or Activity?
- ☐ In a building owned or controlled by a recognized student organization
- ☐ Substantial control over respondent and context
- ☐ Complainant was attempting to access program/activity

Break Out!

#2

Say hi again

Pick a scribe

Discuss

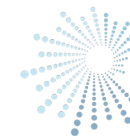
- Identify as many specific questions as possible for Complainant
- Try to put them in some sort of order, if you have time

Prepare to report back



Report Out

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Break Out!

#3

Say hi again

Pick a scribe

Discuss

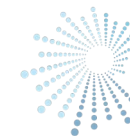
- Identify as many specific questions as possible for Respondent
- Try to put them in some sort of order, if you have time

Prepare to report back



Report Out

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Questions?



Email Us

Jody@grandriversolutions.com
info@grandriversolutions.com

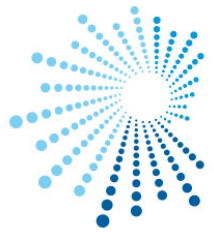
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Decision-Makers: A Deep Dive into Serving in this Critical Role Day 2

Jody Shipper
Managing Director
December 2020

Your Facilitator



Jody Shipper, J.D.

Co-Founder and Managing Director

Jody Shipper is a nationally-recognized subject-matter expert with more than 20 years of experience in Title IX and related fields. She is known for her insight into best-in-class programming, policies, and community outreach aimed at addressing sexual misconduct on campus. She lectures extensively at universities and conferences throughout the U.S. on Title IX, VAWA, harassment, and implementation of best and emerging practices. Jody received her J.D. from the University of California, Hastings College of Law and her bachelor's degree from Georgetown University's School of Foreign Service.



Recap and Practice

Logical connection between the evidence and facts at issue

Assists in coming to the conclusion – it is “of consequence”

Tends to make a fact more or less probable than it would be without that evidence



Break Out!

#1

Say hi!

Pick a scribe

Discuss

- Develop Questions for Witnesses

Come back prepared to discuss

- I will call on each group one by one



Report Out

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Break Out!

#2

Say hi again

Pick a scribe

Discuss

- Make determinations on questions and cite rationale
- Group 1: Questions for Complainant
- Group 2: Questions for Respondent
- Group 3: Questions for Bob, Dylan, Stevie
- Group 4: Questions for Nick, Kayla, Caitlyn

Prepare to report back



Report Out

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02

Evidentiary Issues

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Evidence:

Is it . . .

Relevant

Reliable?

Does it matter (is it due
any weight)?

Relevance Is Not . . .

Strength of the
evidence

Believability of
the evidence

Based on type
of evidence:
circumstantial,
direct

Based on
complicated
rules of court

What about

Polygraph examination

Private investigator's
interview notes

Declarations submitted
under penalty of perjury



What about

An expert report discussing low incidence of false reports

An expert report discussing bias against male complainants

An expert report on reasons why blackouts are not evidence of incapacitation



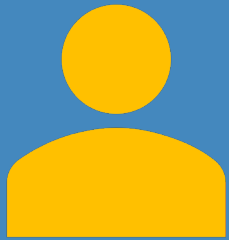
What about

News article that colleges are failing complainants

News article that colleges fail to provide due process, are biased

News article about a related criminal case

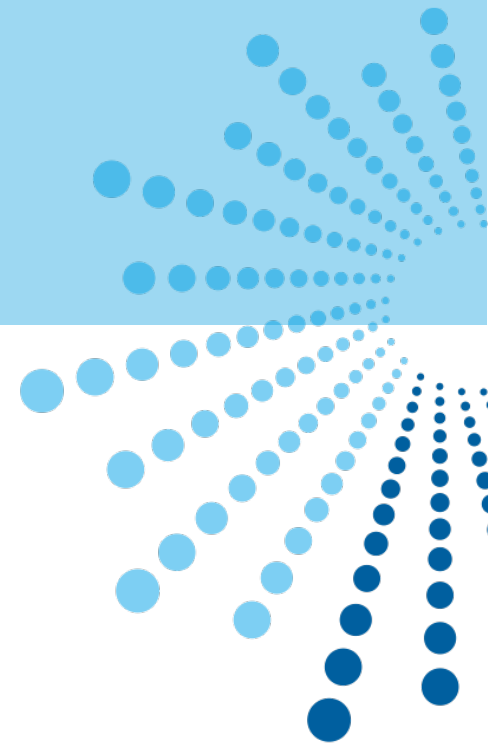




03

Hearing Advisors

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There are two types of advisors

- ❖ Advisor (throughout whole process)
- ❖ Hearing Advisor (hearing, for purposes of asking questions)

Hearing Advisor

“Such advisors need not be provided with specialized training or be attorneys because the essential function of such an advisor provided by the recipient is not to “represent” a party but rather to relay the party’s cross-examination questions that the party wishes to have asked of other parties or witnesses so that parties never personally question or confront each other during a live hearing.” 85 Fed. Reg. 30562 (May 19, 2020).

For the Limited Purpose of Asking Questions

It is in the school's discretion to restrict advisor's active participation in the proceeding, except when it comes to asking questions of parties or witnesses (also referred to as cross examination).



Being an Effective Hearing Advisor

Before the Hearing

03

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Make the Party Aware that...

- You are under no obligation to keep the information confidential
 - There is no attorney client relationship nor any other recognized privilege between you and the party
 - You are not under an obligation to keep what the party tells you confidential
- Were this matter go to a court of law, and you were asked to testify, you would have to do so, truthfully
- Do this at the outset



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Do Your Homework





Exactly, What Type of Homework?

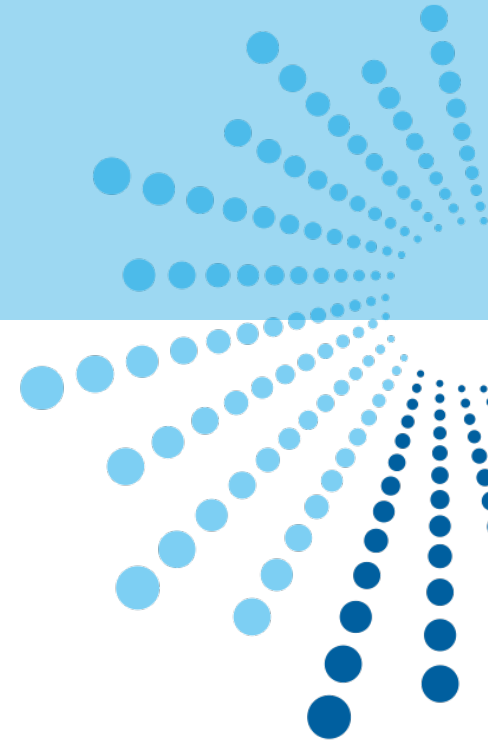
- Familiarize yourself with investigative report
- Understand the ends and outs of the report
- What is the timeline of events
- Think about what areas you may want to highlight or expand upon
- What type of questions you will ask
- Who are the key witnesses



How do I Know which Questions to Ask?

05

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Identify the Claims, What Needs to be Proven

- Why are we here?
- What are the elements for the charge?
- What are the definitions of those elements?
 - Consent?
 - Incapacitation?

What do I Want to Show?



Credibility?



Clarification on timeline?



The thought process?



Inconsistencies?

Foundational Questions to Always Consider Asking

Were you interviewed?

Did you see the interview notes?

Did the notes reflect your recollection at the time?

As you sit here today, has anything changed?

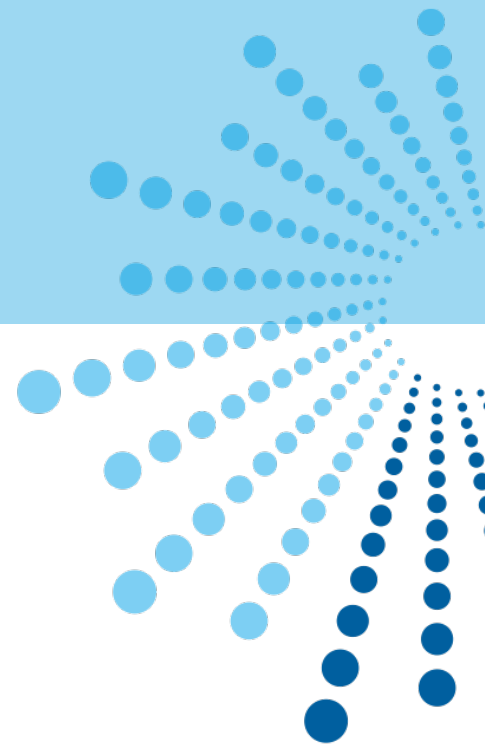
Did you review your notes before coming to this hearing?



Framing Questions

06

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**Do you want to highlight
or expand?**



Highlighting

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Expanding



Not a Court of Law

Not making complex legal arguments

Are not treating parties with hostility

Rules of evidence outside of Title IX regulations do not apply

Not looking for the “gotcha” moment

Treat the Party or Witness with Respect

Do not harass
or badger the
party or witness

This is not “Law
and Order”

Be calm and
speak clearly

Questions?



Email Us

Jody@grandriversolutions.com
info@grandriversolutions.com

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  [Grand River Solutions](https://www.linkedin.com/company/grand-river-solutions)



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"Angel and Barb"

Hearing Training Packet*

*This training packet is intended for educational purposes only, and not as sample documents. The partial report and supporting statements included in this packet is designed solely to facilitate an understanding of the hearing process, and is not intended to reflect a completed investigation report.

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October 13, 2020

Angel Montgomery

Sent via email only to: a.montgomery@supercollege.edu

RE: Case No [###]: Investigation of Possible Violations of the College Title IX Policy

Dear Angel,

On October 3, 2020, you filed a written Formal Complaint with our office alleging behavior on the part of Barb Baddy that may violate the Super College Title IX Policy. This letter contains information regarding these allegations, the investigation and hearing process that will be used, your rights during these processes, and resources available to you. Although this letter is lengthy, it contains important information. You are encouraged to read this letter carefully and in its entirety.

ALLEGATIONS AND APPLICABLE POLICY

You alleged that Barb Baddy engaged in a non-consensual sex act with you, that she did not have your consent at the time of the sexual act, and further that you could not consent because you lacked the capacity to consent. You alleged that this occurred in the TKE Fraternity house on September 22, 2020.

The Super College Policy states that sexual assault is prohibited by College policy. Sexual assault is defined as:

- A. Sexual Offenses, Forcible:** Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:
- i. 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 Complainant.
 - ii. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - iii. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- iv. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

This policy may be found online at: [\[Title IX website address\]](#).

THE INVESTIGATION PROCESS

Maxwell Smart has been assigned to conduct this investigation and will be in contact with you shortly to arrange an interview. This investigator is the only investigator assigned by the College to investigate this matter. If you believe there is an actual conflict of interest regarding the ability of this investigator to conduct this investigation, or if you are aware of any actual bias by the Title IX Investigator, please notify me within 3 days so that I may evaluate the concern and determine whether any actual bias or conflict of interest exists, and, if appropriate, I will assign a different investigator. You also have the right to challenge my role as Title IX Coordinator, on the basis of a conflict of interest or actual bias. Objections to my serving in that role shall be made, in writing, to the Vice Chancellor for Student Services. The deadline to do so is October 19, 2020.

An investigation conducted by the Title IX office is an administrative process and not a legal proceeding. Please note that the Title IX office is a neutral entity that does not represent either side in a complaint investigation process. The purpose of the investigation is to gather information and evidence related to the allegations and then, following a hearing, determine whether the alleged conduct occurred and if so, whether the conduct might point to a violation of College policies.

During the investigation process, the investigator will seek to interview you and gather all of the information and evidence that is reasonably available and directly related to the alleged conduct, determine which of the information and evidence is relevant to the allegations made, and then provide you with an opportunity to review, and comment upon, all of the evidence gathered that is directly related to the allegations. During this process you will be provided with an opportunity to identify witnesses and submit information to the investigator, and you and your advisor (if you have one) will have an opportunity to review and respond to all of the statements, information, documents and material gathered during the investigation that the investigator has determined is directly related to the allegations.

This office strives to complete the investigation process within forty business days. Should this timeline need to be extended, you will be notified of the need for an extension along with the reason for the extension and the new date of completion.

At the conclusion of the investigation, the investigator will write a report that will summarize all the relevant evidence. You and your advisor will be provided with a copy of this report and will have 10 business days to provide a response. This is not an opportunity to provide additional evidence, but instead an opportunity to respond to the investigator's report. The investigator's report along with your response will be provided to you and to the Hearing Officer for inclusion in the hearing process. This will conclude the investigation stage of the process.

THE HEARING PROCESS

At the conclusion of the investigation stage of the process, a hearing will be held. The hearing may be conducted either in-person, or virtually via web/video conference. The purpose of the hearing is to allow the Hearing Officer to determine factual relevance, determine any inconsistencies or errors that occurred during the investigation process, determine credibility of those interviewed and reliability of evidence provided, allow the parties an opportunity to question each other (through a Hearing Advisor) about information directly related to the allegation(s), and to determine by a preponderance of the evidence (meaning "more likely than not") whether College policy has been violated.

A Hearing Officer who is responsible for determining whether College policy was violated will be assigned, and you will be provided with the name of the hearing officer. If you believe there is a conflict of interest regarding the ability of the hearing officer to conduct the hearing, or if you are aware of any actual bias by the Hearing Officer, please notify me within 3 days so that I may evaluate the concern and determine whether any demonstrated bias or actual conflict of interest exists, and, if appropriate, a different Hearing Officer will be assigned.

During the hearing, you may be questioned about information directly related to the allegation(s). In accordance with Title IX policy and procedure, both the Hearing Officer and the Hearing Advisor of the other party may pose questions to you, the other party, the investigator, and witnesses. You may also, through your Hearing Advisor, pose questions to the other party, the investigator and witnesses. However, you are not permitted to ask the question of the other person yourself. Your questions are only permitted to be asked by a hearing advisor chosen by you. Your hearing advisor may be the same advisor you had during the investigation process or can be another individual. If you do not have someone who can serve as a hearing advisor during the hearing, one will be provided for the purpose of articulating your questions, but not to represent or advocate on your behalf.

At the conclusion of the hearing, the Hearing Officer will write a report containing factual findings, and a determination as to whether or not College policy has been violated. If the Hearing Officer determines that there was a violation of College policy, a Sanctioning Officer will then determine the appropriate sanction. You will be notified in writing of the Hearing Officer's decision including any sanction as appropriate.

YOUR RIGHT TO APPEAL

Following the Hearing Officer's decision, you will have the right to appeal the decision of the Hearing Officer and the Sanction based on one or more of the following:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or,
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of

interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

RIGHTS AND EXPECTATIONS DURING THE INVESTIGATION AND HEARING PROCESSES

During the investigation and hearing processes you have the following rights and can expect the following:

- Expect to be treated respectfully throughout the process by everyone with a role in the investigation and hearing process; and, that action will be taken by the Title IX Officer should any individual with a role in the process compromise the integrity of the investigation and hearing process and/or treat others in the process in a manner that harasses, threatens or otherwise discourages participation.
- That Respondent will be treated without presumption of responsibility for the alleged conduct during the investigation and hearing processes, and that any determination of responsibility will be made only at the end of the investigation and adjudication process.
- Request support measures be provided. Support measures are non-punitive steps available to you during the course of the investigation and adjudication process and designed to preserve equal access to College programs and activities. Support measures may include measures such as counseling, extensions of deadlines or other modifications to academic or work schedules or environment, leaves of absence, campus escort services, and mutual restrictions on contact between you and others engaged in the investigation and adjudication processes.
- Have an advisor of your choosing present in person or virtually with you when you are interviewed and at any meeting or proceeding that is part of the investigation and resolution process. Your advisor may be any person including an attorney. Please note that during the investigation process, while the advisor may provide support and guidance, they may not speak on your behalf or otherwise actively participate in or disrupt the investigation process. However, during any hearing process related to the resolution of this matter, your advisor will have the opportunity to question witnesses and the other party.

- Decide not to participate in an interview with the investigator or in the hearing process and not have that decision held against you during the investigation or hearing. If you choose not to participate, the investigation and hearing will proceed and findings and conclusions made will be based on the information available.
- Provide evidence related to the allegations to the investigator, including relevant identifying witnesses who can be interviewed, and suggest questions that the investigator may pose to others interviewed.
- Have 10 business days to review information gathered by the investigator that is directly related to the allegations and respond to that information including providing additional information including the names of witnesses, suggesting the investigator pose additional questions to those already interviewed or new witnesses.
- Have access to a copy of the draft report at the conclusion of the investigation and will have 10 days to provide a response; this is not an opportunity to provide additional evidence, but instead any opportunity to respond to the draft report.
- Participate in a hearing, and have an advisor provided, if you do not have one, for purposes of asking questions of the other party, or of witnesses.
- Receive a copy of the hearing report.
- Be informed of the hearing officer's determination of policy violations and any resulting sanction.
- Exercise your right to appeal any sanctions as well as the hearing officer's decision, if any, on grounds permitted under in the Title IX Policy.

TRUTHFULNESS IN THE INVESTIGATION AND HEARING PROCESS

Each party and every witness is expected to provide truthful information to the investigator, Hearing Officer, and the appeals officer.

A NOTE ABOUT MEDICAL RECORDS

Submitting medical information and records as part of the investigation and hearing process may have implications beyond these processes. If you intend to submit medical records as evidence in either the investigation or hearing process, please inform the investigator of your intent before you provide them with the records so that the investigator can discuss the implications of submitting such records with you.

SAFEGUARDING OF PRIVACY

The College will protect the privacy of individuals involved in the investigation and hearing processes to the extent permitted by law and College policy. In order to conduct a thorough investigation, there may be times during the investigation that require the investigator and/or Hearing Officer to share information related to the allegations with individuals participating in these processes. Additionally, disclosure of certain information following the investigation

and/or hearing may be necessary in order to apply or implement any sanction or discipline that may result from a finding of a violation to College policy.

All individuals involved in the investigation process are asked to keep the information learned during the investigation private throughout the course of the investigation. In order to protect the integrity of the investigation, no copies of documents or information learned during the course of the investigation are to be made or shared with anyone or any third party other than the investigator, your advisor, your parent(s) or guardian(s), or one of the confidential resources listed below. Further, any witnesses involved in the investigation are asked to keep information learned during the investigation confidential and to not share such information with any third party.

A NOTE REGARDING RETALIATION

Please be aware that College policy strictly prohibits retaliation against anyone engaging in the protected activity of raising a concern about possible discrimination or harassment, or against anyone participating in the resolution of a complaint of discrimination or harassment. You are encouraged to avoid any behavior that could reasonably be interpreted as retaliatory by anyone participating in the resolution of this process including Barb Baddy. Thus, I encourage you to avoid having any unnecessary contact outside of contact required for you to fulfill your work and/or academic responsibilities with Barb Baddy. Additionally, in an effort to protect the integrity of the investigation process and the privacy of both you and Barb Baddy, I also recommend that during the course of the investigation process you refrain from discussing what you learn through the investigation with anyone other than the investigator, your advisor, your parent(s) or guardian(s), one of the confidential resources listed below, and me.

If you believe you have experienced retaliation under this policy, please contact me and I will forward any complaint of retaliation to the appropriate office for handling.

INFORMAL RESOLUTION PROCESS

You may propose that your complaint be resolved using the Informal Resolution process. The Informal Resolution process may be used up until a final determination regarding a policy violation is made by the Hearing Officer. To engage the Informal Resolution process, contact the Title IX Coordinator at titleix@supercollege.edu. Please note that the Informal Resolution process is a voluntary, and either party may choose to end the Informal Resolution process at any time until both parties agree, in writing, to a resolution. For more information, please contact the Title IX Coordinator at titleix@supercollege.edu

RESOURCES

If you would like confidential assistance or support, you may speak with a licensed professional counselor at Counseling Services (web address)

Please contact me as soon as possible if you have disability-related needs and wish to request reasonable accommodations to ensure your full participation in this process.

If you have any questions about this investigation, or College policies, or the content of this notice, please do not hesitate to contact me.

Respectfully,

Title IX Coordinator

GRAND RIVER SOLUTIONS

October 13, 2020

Barb Baddy

Sent via email only to: b.baddy@supercollege.edu

RE: Case No [###]: Investigation of Possible Violations of the College Title IX Policy

Dear Barb,

On October 3, 2020, a written Formal Complaint was filed with our office alleging behavior on your part that may violate the Super College Title IX Policy. This letter contains information regarding these allegations, the investigation and hearing process that will be used, your rights during these processes, and resources available to you. Although this letter is lengthy, it contains important information. You are encouraged to read this letter carefully and in its entirety.

ALLEGATIONS AND APPLICABLE POLICY

Angel Montgomery has alleged that, while you were at the TKE house on September 22, 2020, you engaged in a non-consensual sex act with Angel, that you did not get consent for the sexual act, and further, that Angel could not consent due to lack of the capacity to consent.

The Super College Policy states that sexual assault is prohibited by College policy. Sexual assault is defined as:

- A. Sexual Offenses, Forcible:** Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:
- i. 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 Complainant.
 - ii. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - iii. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- iv. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

This policy may be found online at: [\[Title IX website address\]](#).

THE INVESTIGATION PROCESS

Maxwell Smart has been assigned to conduct this investigation and will be in contact with you shortly to arrange an interview. This investigator is the only investigator assigned by the College to investigate this matter. If you believe there is an actual conflict of interest regarding the ability of this investigator to conduct this investigation, or if you are aware of any actual bias by the Title IX Investigator, please notify me within 3 days so that I may evaluate the concern and determine whether any actual bias or conflict of interest exists, and, if appropriate, I will assign a different investigator. You also have the right to challenge my role as Title IX Coordinator, on the basis of a conflict of interest or actual bias. Objections to my serving in that role shall be made, in writing, to either the Vice Chancellor for Student Services. The deadline to do so is October 19, 2020.

An investigation conducted by the Title IX office is an administrative process and not a legal proceeding. Please note that the Title IX office is a neutral entity that does not represent either side in a complaint investigation process. The purpose of the investigation is to gather information and evidence related to the allegations and then, following a hearing, determine whether the alleged conduct occurred and if so, whether the conduct might point to a violation of College policies.

During the investigation process, the investigator will seek to interview you and gather all of the information and evidence that is reasonably available and directly related to the alleged conduct, determine which of the information and evidence is relevant to the allegations made, and then provide you with an opportunity to review, and comment upon, all of the evidence gathered that is directly related to the allegations. During this process you will be provided with an opportunity to identify witnesses and submit information to the investigator, and you and your advisor (if you have one) will have an opportunity to review and respond to all of the statements, information, documents and material gathered during the investigation that the investigator has determined is directly related to the allegations.

This office strives to complete the investigation process within forty business days. Should this timeline need to be extended, you will be notified of the need for an extension along with the reason for the extension and the new date of completion.

At the conclusion of the investigation, the investigator will write a report that will summarize all the relevant evidence. You and your advisor will be provided with a copy of this report and will have 10 business days to provide a response. This is not an opportunity to provide additional evidence, but instead an opportunity to respond to the investigator's report. The investigator's report along with your response will be provided to you and to the Hearing Officer for inclusion in the hearing process. This will conclude the investigation stage of the process.

THE HEARING PROCESS

At the conclusion of the investigation stage of the process, a hearing will be held. The hearing may be conducted either in-person, or virtually via web/video conference. The purpose of the hearing is to allow the Hearing Officer to determine factual relevance, determine any inconsistencies or errors that occurred during the investigation process, determine credibility of those interviewed and reliability of evidence provided, allow the parties an opportunity to question each other (through a Hearing Advisor) about information directly related to the allegation(s), and to determine by a preponderance of the evidence (meaning "more likely than not") whether College policy has been violated.

A Hearing Officer who is responsible for determining whether College policy was violated will be assigned, and you will be provided with the name of the hearing officer. If you believe there is a conflict of interest regarding the ability of the hearing officer to conduct the hearing, or if you are aware of any actual bias by the Hearing Officer, please notify me within 3 days so that I may evaluate the concern and determine whether any demonstrated bias or actual conflict of interest exists, and, if appropriate, a different Hearing Officer will be assigned.

During the hearing, you may be questioned about information directly related to the allegation(s). In accordance with Title IX policy and procedure, both the Hearing Officer and the Hearing Advisor of the other party may pose questions to you, the other party, the investigator, and witnesses. You may also, through your Hearing Advisor, pose questions to the other party, the investigator and witnesses. However, you are not permitted to ask the question of the other person yourself. Your questions are only permitted to be asked by a hearing advisor chosen by you. Your hearing advisor may be the same advisor you had during the investigation process or can be another individual. If you do not have someone who can serve as a hearing advisor during the hearing, one will be provided for the purpose of articulating your questions, but not to represent or advocate on your behalf.

At the conclusion of the hearing, the Hearing Officer will write a report containing factual findings, and a determination as to whether or not College policy has been violated. If the Hearing Officer determines that there was a violation of College policy, a Sanctioning Officer will then determine the appropriate sanction. You will be notified in writing of the Hearing Officer's decision including any sanction as appropriate.

YOUR RIGHT TO APPEAL

Following the Hearing Officer's decision, you will have the right to appeal the decision of the Hearing Officer and the Sanction based on one or more of the following:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination
 - a. regarding responsibility or dismissal was made, that could affect the outcome of the
 - b. matter; or
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of
 - a. interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

RIGHTS AND EXPECTATIONS DURING THE INVESTIGATION AND HEARING PROCESSES

During the investigation and hearing processes you have the following rights and can expect the following:

- Expect to be treated respectfully throughout the process by everyone with a role in the investigation and hearing process; and, that action will be taken by the Title IX Officer should any individual with a role in the process compromise the integrity of the investigation and hearing process and/or treat others in the process in a manner that harasses, threatens or otherwise discourages participation.
- You will be treated without a presumption of responsibility for the alleged conduct during the investigation and hearing processes, and any determination of responsibility will be made only at the end of the investigation and adjudication process.
- Request support measures be provided. Support measures are non-punitive steps available to you during the course of the investigation and adjudication process and designed to preserve equal access to College programs and activities. Support measures may include measures such as counseling, extensions of deadlines or other modifications to academic or work schedules or environment, leaves of absence, campus escort services, and mutual restrictions on contact between you and others engaged in the investigation and adjudication processes.
- Have an advisor of your choosing present in person or virtually with you when you are interviewed and at any meeting or proceeding that is part of the investigation and resolution process. Your advisor may be any person including an attorney. Please note that during the investigation process, while the advisor may provide support and guidance, they may not speak on your behalf or otherwise actively participate in or disrupt the investigation process. However, during any hearing process related to the resolution of this matter, your advisor will have the opportunity to question witnesses and the other party.

- Decide not to participate in an interview with the investigator or in the hearing process and not have that decision held against you during the investigation or hearing. If you choose not to participate, the investigation and hearing will proceed and findings and conclusions made will be based on the information available.
- Provide evidence related to the allegations to the investigator, including relevant identifying witnesses who can be interviewed, and suggest questions that the investigator may pose to others interviewed.
- Have 10 business days to review information gathered by the investigator that is directly related to the allegations and respond to that information including providing additional information including the names of witnesses, suggesting the investigator pose additional questions to those already interviewed or new witnesses.
- Have access to a copy of the draft report at the conclusion of the investigation and will have 10 days to provide a response; this is not an opportunity to provide additional evidence, but instead any opportunity to respond to the draft report.
- Participate in a hearing, and have an advisor provided, if you do not have one, for purposes of asking questions of the other party, or of witnesses.
- Receive a copy of the hearing report.
- Be informed of the hearing officer's determination of policy violations and any resulting sanction.
- Exercise your right to appeal any sanctions as well as the hearing officer's decision, if any, on grounds permitted under in the Title IX Policy.

TRUTHFULNESS IN THE INVESTIGATION AND HEARING PROCESS

Each party and every witness is expected to provide truthful information to the investigator, Hearing Officer, and the appeals officer.

A NOTE ABOUT MEDICAL RECORDS

Submitting medical information and records as part of the investigation and hearing process may have implications beyond these processes. If you intend to submit medical records as evidence in either the investigation or hearing process, please inform the investigator of your intent before you provide them with the records so that the investigator can discuss the implications of submitting such records with you.

SAFEGUARDING OF PRIVACY

The College will protect the privacy of individuals involved in the investigation and hearing processes to the extent permitted by law and College policy. In order to conduct a thorough investigation, there may be times during the investigation that require the investigator and/or Hearing Officer to share information related to the allegations with individuals participating in these processes. Additionally, disclosure of certain information following the investigation

and/or hearing may be necessary in order to apply or implement any sanction or discipline that may result from a finding of a violation to College policy.

All individuals involved in the investigation process are asked to keep the information learned during the investigation private throughout the course of the investigation. In order to protect the integrity of the investigation, no copies of documents or information learned during the course of the investigation are to be made or shared with anyone or any third party other than the investigator, your advisor, your parent(s) or guardian(s), or one of the confidential resources listed below. Further, any witnesses involved in the investigation are asked to keep information learned during the investigation confidential and to not share such information with any third party.

A NOTE REGARDING RETALIATION

Please be aware that College policy strictly prohibits retaliation against anyone engaging in the protected activity of raising a concern about possible discrimination or harassment, or against anyone participating in the resolution of a complaint of discrimination or harassment. You are encouraged to avoid any behavior that could reasonably be interpreted as retaliatory by anyone participating in the resolution of this process including Angel Montgomery. Thus, I encourage you to avoid having any unnecessary contact outside of contact required for you to fulfill your work and/or academic responsibilities with Angel. Additionally, in an effort to protect the integrity of the investigation process and the privacy of both you and Angel, I also recommend that during the course of the investigation process you refrain from discussing what you learn through the investigation with anyone other than the investigator, your advisor, your parent(s) or guardian(s), one of the confidential resources listed below, and me.

If you believe you have experienced retaliation under this policy, please contact the Title IX Coordinator who will forward any complaint of retaliation to the appropriate office for handling.

INFORMAL RESOLUTION PROCESS

You may propose that your complaint be resolved using the Informal Resolution process. The Informal Resolution process may be used up until a final determination regarding a policy violation is made by the Hearing Officer. To engage the Informal Resolution process, contact the Title IX Coordinator at. Please note that the Informal Resolution process is a voluntary, and either party may choose to end the Informal Resolution process at any time until both parties agree, in writing, to a resolution. For more information, please contact the Title IX Coordinator at titleix@supercollege.edu.

RESOURCES

If you would like confidential assistance or support, you may speak with a licensed professional counselor at Counseling Services (web address).

Please contact me as soon as possible if you have disability-related needs and wish to request reasonable accommodations to ensure your full participation in this process.

If you have any questions about this investigation, or College policies, or the content of this notice, please do not hesitate to contact me.

Respectfully,

Title IX Coordinator

GRAND RIVER SOLUTIONS

Witness List

Complainant Angel Montgomery

Respondent Barb Baddy

Witness 1 Bob

Witness 2 Dylan

Witness 3 Stevie

Witness 4 Nick

Witness 5 Kayla

Witness 6 Caitlyn

Witness 7 Tommy

Witness 8 Dr. Doctor

Complainant's Intake Interview, October 3, 2020

Coordinator provided information on resources, supportive measures, how to file, retaliation not permitted.

Support measures to be put in place: extra time for ENG 202 mid-term, will look into tutoring, will withdraw from one class due to stress of workload after this experience, TIX to speak with Registrar to ensure no W or Incomplete on transcript because it is past the Withdrawal deadline. Offered counseling connections, complainant declined.

Complainant information provided:

I was at a party at a friend's apartment off campus on September 22, it was a Saturday, we had been moving into housing all day, and I had a lot to drink. Then I went to a party at TKE but I don't really remember going over there. I think there were a lot of people in the big room downstairs. I sort of remember dancing and going to the basement because I remember walking downstairs at some point, and I woke up in the morning on one of the couches down there.

A few days later I noticed people laughing at me in one of my classes, I didn't think a lot of it at first, but then there were some really rude comments about me on social media, some snaps, and a few texts, calling me "party boy" and a "whore." I didn't know what that was all about, then I talked to my friend James, who showed me a video and some photos of the party at TKE, some girl was on her knees in front of me, my pants were unzipped, she was giving me a blow job and people at the party were watching. I just cannot believe it. Horrified. I don't really know her, there is no way I could have agreed to something like that, I would never agree to do that when there were other people around.

I can barely go to class now, I cannot deal with people laughing at me, or knowing what happened. Those photos are all over now, it seems as if everyone knows

Complainant plans to file, will submit form this week

Complainant Complete Interview #1, October 20, 2020

On Zoom

Advisor also on Zoom call

On September 22, I had just moved back to campus the day before, I was helping some friends move in. It was really hot out, I probably got dehydrated, I wasn't really drinking water. Around 6 pm.

I was at a party at a friend's apartment off campus on September 22, it was a Saturday, we had been moving into housing all day, and I had a lot to drink. [what time did you start moving on Saturday?] Probably 8:30 or 9 am. [and do you recall when you finished?] probably around 6. [did you eat lunch while you are working?] I can't remember for sure, but I think we didn't. [And with whom were you moving furniture?] With Bob and Dylan, we lived together last year, they're good friends of mine, we always do stuff together. Around 5 or 6 we stopped and ordered pizza. Dylan went and got a few 6-packs of beer. I was so hungry, I ate maybe 3 slices right away, and drank maybe 2 beers.

Then I went to a party at TKE but I don't really remember going over there. I think there were a lot of people in the big room downstairs. I sort of remember dancing and going to the basement because I remember walking downstairs at some point, and I woke up in the morning on one of the couches down there.

A few days later I noticed people laughing at me in one of my classes, I didn't think a lot of it at first, but then there were some really rude comments about me on social media, some snaps, and a few texts, calling me "party boy" and a "whore." I didn't know what that was all about, then I talked to my friend James, who showed me a video and some photos of the party at TKE, some girl was on her knees in front of me, my pants were unzipped, she was giving me a blow job and people at the party were watching. I just cannot believe it. Horrified. I don't really know her, there is no way I could have agreed to something like that, I would never agree to do that when there were other people around.

[Do you have those photos, or the video?] No, but I think I can get them or copies of them.

[Do you have copies of those texts?] I have two, I deleted a bunch of them because at first, I didn't even know what it was about, I thought maybe the messages weren't really for me or weren't about me.

[Were you at your apartment while you were having pizza? No, Bob and Dylan are living in a double this year, I am down the hall in the same building with some other folks, I didn't know them very well because we had just met when I moved in. [Do you recall what time you had pizza?] I think we ordered it around 5 or maybe a little later, it was delivered about 30 minutes later. [Do you recall how many 6-packs Dylan bought?] I think 3. [Was it only the 3 of you drinking those beers?] A few people came by, Nick and Stevie, I think they each had 1 or 2

beers. [Do you recall specifically how many you had?] Not really. Maybe 2. [How long were you there, drinking?] I think we all walked over to the TKE party together. Dylan and Bob are members, they couldn't be late or their Bigs would have been really angry, so they went over earlier to help set up, maybe at 7 or 7:30. The rest of us walked over maybe an hour later. [were there any beers left when you all left?] No, we ran out of beer. [Did you drink any water while you were drinking the beers?] I don't think so. [Do you recall if you drank anything other than beer that night before going to TKE?] Someone brought over a handle of vodka, I might have had some. [Do you recall specifically if you had any?] Yes, I did, but I don't know how much, maybe a few shots out of the bottle. [And who brought it?] I don't want to say, they weren't supposed to have it. [We have an amnesty provision here, anyone who is a witness will not be in trouble for a violation of the student code if they bought alcohol while underage, or were drinking underage, or drinking in a dorm. Do you know about the amnesty policy?] Yes, I know about it, but they'll be in trouble with their parents, not the school. So I cannot tell you, at least not until I talk to them and make sure it's ok, so maybe later.

[Do you recall when you arrived at TKE?] Not specifically, but probably around 9 or 10. [Did you walk there?] Yes, it's only a 5-10 minute walk. [Do you recall how you felt when you were walking over?] I remember being excited to go see old friends, that's all I remember. [Did you stumble when you were walking over?] No, at least not that I recall. [did you fall down when you were walking over?] No. [Do you remember exactly who you were walking with?] I went over with Nick and Steve. [Do you remember anything you were talking about?] No, not at all. [Did you see anyone on the way over there?] Not that I recall.

(interruption from Advisor; "he was too drunk to know what happened, he already told you that, so why would you ask him what happened if there is no possible way to know because he was blacked out?" Re-explained rules for advisors, gave warning)

[What happened when you arrived?] I remember there was a line or a wait to get in the door, but then I remember nothing else that whole night. [At the doorway, do you recall if anyone was checking IDs?] Maybe, but I don't think so. I don't have a fake ID and I got in. [Did you bring anything with you to the party, like a bottle of water or a flask?] Sort of. [Can you tell me what you mean by that?] We all filled our water bottles with vodka and orange juice before we left Dylan's apartment. [Was this a clear plastic water bottle?] I don't know about Dylan or Bob, but I have a reusable one that I generally carry, I used that. [did Steve or Nick also fill a water bottle with vodka or vodka and juice?] I don't know, I just know that Bob, Dylan and I did that before we left the apartment. [were you the only one drinking out of it at the party that night?] Yes, I didn't share it. [do you recall if there was any left in the water bottle the next day?] yes, it was maybe still half full, I poured it out in the morning when I got back to my dorm. [How big is the water bottle?] It's this one (showing it) 20 ounces. [Had you filled it up] Yes, to the top. [Was there ice in the water bottle when you filled it before going to TKE?] No. [Do you recall how you mixed it – was it mostly juice, or mostly vodka?] It was maybe half. I

didn't exactly measure it. [was there a reason you decided to bring a water bottle filled with orange juice and vodka to the party?] I was really thirsty; I didn't know if they'd have anything to drink at the party. [Was there a reason you chose orange juice and vodka rather than water, to quench your thirst?] I just like orange juice a lot, and it was a party, and that's what Bob and Dylan were doing, so I guess I just thought that sounded good. I had been drinking a lot by then so maybe it doesn't make sense now, but it made sense then.

[What is your first memory at TKE that night] It was really loud when I walked in, the music was loud, and the bass, you could sort of feel it the way in your chest. [Was this your first time at TKE?] No, I've been there a few times, either to party or say hello to friends. [Can you describe the layout of the house on the first floor?] you walk in to a big entry area and there are stairs at the end of that area that go upstairs, and then on the right is a huge dining room and then after that there is a kitchen, but you can't really see into the kitchen from the entry area when you walk in. On the left is a really huge living room and then another one, and at the back of the other one there are stairs that go down to a huge basement area. The basement is bigger than the two living room area, I think. There is also a big porch out back and a yard, but I don't think I went out there that night. [Do you recall if you decided that you would not go outside?] No, I don't remember either way, I just have a feeling that I didn't go outside. [Do you have any recollections at all, even bits and pieces, of interacting with anyone at the party?] I remember seeing some people I knew, they were hanging out near a keg, I remember I could smell beer. [Do you recall the names of any people you saw at the party that night?] Well Dylan, Bob, Nick, and Steve, of course. A girl named Cat was there, she was with her boyfriend Steven, I know him a little bit. And I saw some girls I knew from the track team, Barb Baddy, Kayla and also Caitlyn. [Do you remember if any of them were hanging around the keg?] Cat and her boyfriend were right by the keg, I don't remember who else was near the keg. [Do you recall if you stayed near the keg?] I think I did for a little bit; I sort of remember that. [Did you have any beer from the keg?] No. And then I remember wanting to dance, I think I went with Barb, Kayla and Caitlyn to an area where people were dancing. [Do you recall if you danced?] No, I just remember that I really wanted to dance. [Do you recall anything else?] I think I played darts; I sort of remember that. There was a dart board in the basement, and I do remember the sensation of walking down the stairs at some point. I think I went down there with Barb, Caitlyn and Kayla. There were lots of other people down there. I remember it was cooler down there than upstairs, and that felt good. Then I just remember being super tired, I sat down, and next thing I know it was morning, no one else was down there, I had slept on a couch.

A few days later I got a text from someone that just said "what a whore" and a laughing emoji and I didn't know what it was about, I just deleted it. [do you recall who sent it?] No. Then I got another text a few days later. I think it said something similar. And remember that I did not know who it was from, so I texted back and said who is this, but no one answered. Then I had a zoom class one day , and just before class started we were kind of hanging out and waiting for

the professor to come online and a few people seemed to be laughing at me, but I didn't know what that was about and so I just ignored it. Then I started to hear that someone had photos of me from the party. I wasn't really worried, because I figured maybe I looked silly or stupid, but it was not something that really worried me. Then I heard that there was also a video of me at the party. I started to get worried because my friend James said something to me about the video, and he suggested that maybe it would embarrass me. I figured maybe I was more drunk than I had realized, and maybe I had been dancing in a way that made me look really stupid, or I had some stupid expression on my face. I did get a little nervous, but then Bob and Dylan group texted me one day and said wow we're really sorry. They wanted to know if I was okay. I had no idea what they were talking about and so I asked them, and Dylan walked over to my room and showed me the video. In the video I was standing in the basement, I had one of the darts in my hand, there were a few people standing around and they seemed to be cheering, and Barb was on her knees in front of me, it looks as if her mouth was on my penis, and then in the video it looks as if I had an orgasm and people were cheering. I cannot believe someone filmed that. I cannot believe it is online, I mean, what if my parents or a future employer sees it some day? And I cannot believe Barb did that and everyone else thought it was ok to stand around and cheer. I don't see Dylan or Bob or Steve in the video, although I thought I could see Nick, but I'm not 100% sure. Caitlyn and Kayla were right there in the video, near Barb. [And do you have the video?] No, I would have to try and get it.

[Do you recall how you felt the next morning?] I woke up feeling really gross, I had a terrible headache, I was super thirsty, I went back to my room and showered and took a nap for a few hours, then just went out to grab a sandwich with Nick and Steve and then went back to my room to sleep some more. [Did either of them say anything to you about the party?] No, not at all. We were talking about classes and whether to switch out of some classes or try to change our schedules, stuff like that.

[Can you tell me how you know Barb?] We were both in track the last 2 years, we sort of wave hello when we see each other but we're not really friends. Maybe we've chatted sometimes during meets, but nothing in particular comes to mind. [have you ever spent time directly with her, alone, before the party?] No, never. [Have you seen her since the TKE party?] I was in one class with her and she dropped out or transferred out after the first class. I heard from Cat and Caitlyn that Barb is really angry with me, as if I've done something wrong, and that makes zero sense to me. [Did you ask what they meant by that?] No, I don't really care what Barb feels right now, and maybe she's angry because she assumes, I'll file a complaint, but whatever it is, I don't really know. We haven't spoken since then. Actually, she sent me a friend request through SnapChat, but I declined it. That was weird. [When did she send that?] Maybe a week ago. But that's it.

Respondent's Full Interview, October 22, 2020

Accompanied by advisor

Coordinator provided information on resources, supportive measures, how to file, retaliation not permitted.

Support measures to be put in place: Offered counseling connections, respondent stated she had been trying to get in but there was a 2-week wait, Coordinator will call to see if earlier appointment is possible, and if not will connect respondent with other counseling resources

Respondent information provided:

I'm a junior here, on the track team. I live off campus now, pretty close to campus though, maybe 4 or 5 blocks away. I know Angel pretty well, we run track together, we sometimes hang out between races. We talk a lot, sometimes he's sort of flirty but not in a gross way. Super friendly. September 22, it was a Saturday, I remember that was move-in weekend. People were assigned one of 3 or 4 days to move in, so it was a long move-in weekend. It seemed as if there was always one more person needing help. I also remember that it was super hot, and I felt really worn out by late afternoon. I just planned to take a shower and get some sleep, but the whole campus was really loud, the apartment building was loud, everyone was so glad to be back at school, to see friends, it was a lot of noise.

I texted my friend Kayla to see what she was doing, she's only a few minutes away, she texted back "get over here!" and so I got dressed and went over. There were a few girls from track there, one of them, Caitlyn, is a really good friend of mine, and a few others. They were mixing cocktails when I walked in, it had some funny name, I can't remember, and I had one. Maybe I had two, they were really tasty. After an hour or so, Kayla asked if I would go to a party with her at TKE. I didn't really want to go, because their parties are too loud and too crowded, but Caitlin really wanted to go, and I knew Kayla could get us into the party because she has so many TKE friends, so we walked over. It was super hot out that night, I remember we were all happy to be back together, and excited to catch up with others.

We got to TKE around 10:30 or 11. We usually try to stick together at parties, but we had not been together hanging out for a long time, and so maybe we were a little out of practice, or maybe things were just weird between us now because we haven't been spending much time. So, when we walked in, instead of staying together I walked over to the kitchen where I knew they would be most likely to have beer, and Caitlin and Kala walked over to find some people so they could dance.

I remember seeing Angel near the keg. He came over and gave me a huge hug, it seemed really nice to see him. He got me a beer, and we hung out and talked a little bit about his upcoming semester, why he was so worried that it would be really difficult, and some other stuff. [Do you recall why he thought this semester would be particularly difficult?] Yeah, he

really wanted to go to Med school, and he had to take organic or inorganic chemistry this semester and he had to get an A, and he was really worried about that. He knew he would have a heavy course load, but his dad was a doctor and his mom was a chemist, and they had been placing a lot of pressure on him about getting straight A's, at least in his chemical chemistry classes. We stood around and chatted for a little while, he got me another beer when I finished mine, and then we went off to go look for some other friends.

At some point, I remember that he wanted to go play darts, and so we went downstairs to the basement to find the darts and the dart board. It was really packed down there, I think even in hot weather it is always cooler down there, and because it was such a hot night, a lot of people were in the basement.

Angel's friend Bob had a water bottle with him, but it was full of vodka, and he kept offering to let me drink some vodka, so I had a few shots, or actually big gulps, from his bottle. I think Angel went back upstairs to get me another beer, but it's possible it was someone else who did that. I had been helping move boxes and furniture all day, it was really hot out, and I had been drinking, so I started to get pretty fuzzy at some point. And Angel started to get really weird, he was sort of hugging me, he had his hands around my waist at one point when we were playing darts, I remember being surprised, and wondering if he was coming on to me. I didn't mind, I actually thought it was sweet.

Even though the music was upstairs, it still seemed really loud in the basement, and it was getting more and more packed until suddenly a bunch of people left, maybe it just got too hot or they wanted to go to a different party, I don't know, but then suddenly there was a lot of space downstairs, and I went to sit on the couch with Kayla and Caitlyn. [when had they come downstairs? Had they just come down] We were all sort of sitting and laughing and then Angel came and sat on the other side of me, with his hand over my shoulders, and we were all sort of sitting and laughing.

I don't remember why, but at some point we all stood up and Angel wrapped his arms around me and started to kiss me. I didn't start it and he didn't ask, but I didn't mind. We were sort of both drunk sloppy kissing and Kayla and Caitlyn started to laugh because they knew I had just broken up with my boyfriend back home and had said something to them earlier about my big plan to stay away from boys for the semester.

But then, next thing I remember, Angel started to push me down in front of him, he had one hand on each hip at first and started pushing me down and then he moved one hand to a shoulder and I just remember the sensation of the pressure on my shoulder and when my knees were on the carpet he put his penis in my mouth. I was so shocked; I just sort of went with it. I didn't want to be having oral sex, but I also remember thinking that I shouldn't make a scene, and next thing I know he was holding my head to sort of keep it in toward him. He didn't ejaculate, but I remember he took his hands off my head and I just pulled back and got

up. Caitlyn and Kayla both sort of laughed but also looked like they were really disgusted by the whole thing. I felt so gross. I remembered that Bob had all that vodka in his bottle, I found him and took a big gulp, I sort of remember this sensation of wanting to wash my mouth out. I just, I couldn't be there anymore, people were talking and laughing, I couldn't believe Angel would do that to me. I left and Caitlyn and Kayla left with me. I just went back to my room and cried.

[Did you ever hear that there were photos or videos from that night, at the party?] No, I never heard that. Are there? I was so angry with him, I thought we were maybe friends. Not good friends, but that he maybe he was a nice guy. [Did you ever talk about it with Angel after that?] No. I messaged him once, thinking maybe he liked me and didn't realize how rude it was, how totally unacceptable, maybe he just got carried away or was drinking beers or from Bob's vodka bottle and got drunk and stupid, so I thought I could try to be friends and that would help me be less angry, but then he didn't accept the friend request and I felt stupid, so I didn't talk to him after that. [Did you ever see him drink beer at the party?] No. [Did you ever see him drink from Bob's water bottle?] No. [Do you recall if Bob's water bottle, the one with vodka, was pure vodka, or maybe mixed with something?] It tasted a little sweet, so maybe there was a little juice in it, but I think it was almost entirely vodka. He kept calling it the "vodka sauce" all night. [Was Angel drinking at all that night?] No, he had his own water bottle, he just drank from that. [Are you sure it was water?] I'm pretty sure. I mean, he never said it wasn't. I don't know if I ever asked specifically.

Witness 1 (Bob)

On September 22, I moved into my new apartment with my friend Dylan. My other friend, Angel, who me and Dylan have known for awhile, helped us out. When I asked Angel to help, we had to bribe him with beer and food as he said he needed to study that day for some science class. I have known Angel for a few years and know how seriously he takes his school

We started moving in around 8:30 AM and finished around 6 PM. [did you guys break for lunch?] No, we worked right through because we wanted to be done with plenty of time to get ready for a party later that evening at our fraternity. [Did you have anything to drink while you were working?] Probably some water, and probably not enough, because I remember everyone saying how thirsty we were later.

After we were done moving in, Dylan went to grab some beer so we could pregame before we went to our fraternity's party. While I was gone someone ordered some pizza as well. [about how much beer did you buy] probably about 5 six packs of the cheapest beer I could find. [how many people drank that beer?] probably around 5 or 6, we finished all the beer before we got to the party. [And how much pizza was there?] I think we had 2 large, we were hungry, there's usually a special on 2 large so that's usually what we do. [Do you remember how much you ate?] I crushed three slices and a couple beers right away, I don't remember if I had more. [Do you know how much Angel ate or drank?] I didn't really pay any attention. I remember we both laughed when we downed that first beer, it was so cold and it was way hot out, so it felt really good to pound that down.

[what time did you leave to go to the party] Dylan and me left around 7:45 to help our brothers set up for the party. Everyone else stayed behind to continue to pregame. [did Angel exhibit signs of being intoxicated? [Was he acting out of the ordinary?] Angel was fine. He was not falling over himself or anything like that.

[Do you recall what time Angel arrived at the party?] Probably around 9 or so. [had you continued drinking once you arrived at the party?] Yes, Dylan, Angel, and I had essentially made screwdrivers before Dylan and I left Angel. [how much of yours had you drank when Angel arrived] I don't recall exactly, but not much, the next day I still had half a regular sized water bottle left. [so about how many ounces would you say you had left?] I would say about 12 out of the 24 ounces left. [how much vodka did you put in your bottle?] I don't remember, maybe 2 or 3 shots worth. I wasn't trying to get too drunk. [do you know how much Vodka Angel put into his bottle] probably about the same as me and Dylan.

[Did you interact with Angel at the party] Not really, the night was kind of a mess so I ended up taking care of people that were too drunk. We all have different jobs at parties, that was mine. To keep an eye out for that sort of thing. [Did you see Angel at the party?] From time to time to check on him, like I said, I was occupied with other things. [did it look like Angel was intoxicated or was he acting normal?] Honestly, he looked drunk but doing better than a lot of other people,

but was acting more drunk than I usually see him get. I saw him drink one or two beers at the party but mostly he stuck to his water bottle with Vodka-orange juice.

[Did you see Angel talk to Barb] Yes, and I found it kind of surprising because Angel does not usually go up to girls and just start a conversation. He looked like he was having a good time so I left them alone. I did periodically check on Angel, but eventually I lost track of him as the night went on. [Do you know Barb] No I had never met her before that night. I have seen her profile on Tinder before though, maybe a couple days before the party [how was Barb acting?] she looked like she was having a good time and kept moving closer and closer to Angel as they kept talking, another reason why I wanted to give them their space. She did not seem drunk, or at least not as drunk as Angel looked.

[So, did you see any interactions between Barb and Angel at the party?] Not that I can remember. [Did you ever see them getting physical with each other?] Not really, I mean they were standing close a few times, maybe leaning into each other a little, but nothing that stood out to me. [Did you see them together in the basement at any time?] I think I only saw them together upstairs. [Did you hear from anyone that Barb performed oral sex on Angel?] I only found out about that the day after, after I received a video from one of my fraternity brothers. [do you still have that video] no, I deleted it out of respect for my friend. I know he is embarrassed by it. [Who sent it to you?] A few people were talking about it and laughing, I really don't remember who actually first told me. [Do you know who took the video?] No, not at all. [Do you have any idea who took the video?] No. [Do you remember talking to Barb at all that night?] I saw her toward the end of the party, she was leaving and I think she was really angry, at the time I wondered why. She walked up to me and asked if she could have a drink, I gave her my water bottle, she took a huge gulp and stormed out with 2 other girls, It was weird, I didn't know what that was about. And I mean, now that I know what she did to Angel, it seems weird she was acting as if *she* should be the one who was angry.

[Do you remember showing Angel that video] Yes. [When did you show him the video?] About 3 or 4 days after it had happened. [What was Angel's reaction to seeing the video?] I don't remember him saying anything, but I do remember his face becoming visibly red and then him motioning for me to leave the room. After I showed it to him, I immediately deleted it. [Did you talk to him about it, at all?] No, I wasn't going to talk to him about that, it's just too embarrassing to talk about. [Embarrassing for whom? Him or you?] (no response to question)

Witness 2 (Dylan)

On September 22, my friend Bob and I moved into an apartment together. Angel helped us. We all three drank most of the day, but by far, Angel was drinking the most. Sometimes, Angel would have to take breaks because he was drinking so much. It was frustrating because Dylan and I had a party we wanted to go to later that night and so it took us too long to get moved. [what time were you finished moving] around 6 at which time I ordered pizza and went to go get more beer. [how much beer did you buy] about 5 six packs of cheap beer I had never even heard of [how much beer did you drink] not much, and Angel maybe only had 1 or 2 at that point, and then we had a couple more people show up, I mostly just ate pizza. [How much pizza did you buy?] 2 large, it's my standard order. [Did you notice how much pizza Angel ate] No, I didn't pay attention to what he ate. [what time did you leave for the party?] about 7:45 to help set up, and I was thankful too, Angel was starting to get a little sloppy and annoying [what do you mean by "sloppy"] laughing way too loud, not being able to walk in a straight line and bumping into things. I mean he was drinking beer all day and then switched to vodka and orange juice. That is a lot for anybody. [How was Angel acting when you left for the party] I was surprised when he showed up at the party, I didn't think he was going to make it because of the alcohol. Maybe the stress of school had started to get to him because I have never seen him drink so much in a day.

[Did you see Angel at the party] Yes, but I could tell he was drunk and I am not big fan of him when he is drunk so I did my best to stay away from him. [how could you tell he was drunk] well he was way too loud, laughing at every stupid thing and way too expressive when talking to people, like moving his arms around and spilling his beer on himself. At one point I saw him spill a little beer on Barb while they were upstairs near the keg. [do you know Barb] Yes, we have the same major so we typically are taking the same classes. [Are you and Barb friends] We used to be a kind of friendly, but this one time I caught her trying to cheat off a test even though afterwards, when I confronted her, she said I was just being paranoid. From that point on, I have had a bad impression of Barb in my mind, but I try to keep things friendly when I can.

[You said you saw Angel spill beer on Barb. Do you recall what they were doing when you saw them?] They were standing together and laughing. [Do you recall how they were standing, for example side by side or facing each other?] Side by side, Angel sort of had his arm over Barb, almost as if he was using her to hold himself up. He was just so drunk he could barely keep himself up without leaning on something for support [Did you see them together any other time at the party?] I think I may have passed them once or twice, but nothing in particular that I recall. [Did you ever see them together in the basement] Well obviously I heard what happened, but I didn't see it. [Do you know when Barb left the party?] No, I have no clue. [How about Angel, when did he leave?] I went down in the basement as the party was dying down. I saw Angel passed out on the couch. I tried to wake him up but he didn't budge. So, I put a trash can beside him and went home. I figured he would be fine down there for the night.

[When was the next time you saw Angel] The next morning, I caught him in the hallway as he was coming home. He was visibly hungover. [did you ever bring up the video to him] no, I know there is a video out there but I have never seen it, just heard about it. I am not interested in watching that. [so you have never talked to Angel about that night?] Nope.

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Witness 3 (Stevie)

[when do you first remember seeing Angel on September 22] When my friend Nick and I went over to Dylan's apartment, around 6:45. We went over there to pregame and eat free pizza. [did you know Angel before this] a little bit, our friend circles overlap here and there, he seems like a nice enough guy [Did it appear as though Angel had been drinking, or was he acting differently than on other occasions] not from normal, he was being pretty talkative, but that is pretty normal when I have been around him drinking, even after just little bit of drinking. He was running into stuff, but he is pretty uncoordinated and goofy in general, so this was normal, even when there was not alcohol present.

[what happened after you arrived?] Dylan, Bob, and Angel had beer, I had a few. I had vodka, and brought some orange juice, we all made screwdrivers. [Did you bring the vodka?] Yeah, there's a place in town that doesn't really check IDs. Dylan and Bob put 3 or 4 shots in theirs and Angel probably put a single shot in his. I think he felt bad because it was my vodka after all. We had a couple of beers, played some beer pong, and talked until about 7:30, when Dylan and Bob left for the party early. Dylan or Bob, or maybe it was Angel, I can't remember, one of them made a big deal about filling water bottles with vodka and orange before going to the party because there would be nothing to drink, we were almost out of orange juice at that point so we all divided what was left and filled our water bottles with screwdrivers. After Dylan and Bob left, Angel, Bob, and me, with a couple of other people I don't remember stayed at the apartment until about 9:30 and then headed over to the party.

[How was Angel acting on the way to the party] Angel was acting normal; in fact he was in a great mood. [was he appearing to be drunk] not more than at the house, the whole night I saw him he was holding his alcohol pretty well. He would stumble here and there, but that is pretty normal for him even when he isn't drinking.

[what happened when you arrived at the party?] Me and Angel hung out together with some different people that Angel knew. I didn't know them, nor do I remember their names . . . I am awful with names. But we were talking around the keg for awhile before Angel, and I think Barb, suggested they go down to the basement to play darts. I went with them and stayed for awhile but went upstairs after a bit.

[when was the last time you saw Angel that night?] the last I saw him he was playing darts with Barb in the basement. She was had her arms around him and his around hers. I don't know who initiated that. [before they went downstairs, how was Angel acting] he was acting pretty normal compared to the whole night, he acted like he was having a good time and not more drunk than when I first saw him that night. Just a goofy, fun-loving guy.

[other than when they each had their arms around each other, did you see the two of them, Barb and Angel, touching at any other time?] I saw them kissing at some point, down in the basement, it was a bit much, they both seemed way too carried away so I just walked away and went back

upstairs. [Did you see Barb give Angel a blowjob in the basement?] no, I didn't even know it had happened until 3 days after the party after someone showed me a picture. [Do you have the picture?] No way, I do not want that on my phone. [going back a little, how much did you have to drink that night] throughout the whole night, from about 6 to 12, I had probably 4 or 5 beers and maybe 1 or 2 shots. [how much did you see Angel drink] probably about the same, maybe a couple more beers than me. He had his screwdriver that I did not see him finish that night, I maybe saw him take one or two swigs out of it. Maybe more.

[have you talked with Angel about anything that happened that night] no, like I said before, we hang out here and there but are not really close friends. I did talk to him once to just say 'how ya doing,' that sort of thing, he said he was pretty miserable in his classes, that he was going to rethink being pre-med, so I guess this whole thing must have really upset him. [Have you talked to Barb?] I have seen her a few times, she just walked past me, one time she gave me a really dirty look and I don't know why, but we have never talked.

Witness 4 (Nick)

[when do you first remember seeing Angel on September 22] When Stevie and I went over to Dylan's apartment to pregame and eat pizza. [did you know Angel before this night] Not really, I have seen him once or twice, but honestly, I spend most of my time on my computer doing homework or playing video games. I don't get out too much.

[did it appear as though Angel had been drinking] yes but everyone was drinking, he was very talkative towards me [what do you mean] he just started to talk to me for no reason. Also he was knocking things over here and there. At first he tried to talk to me about his classes, getting into med school, and how difficult his semester is going to be, but then he just randomly brought up his girlfriend. [what did he say] that they were fighting recently and she had left for the weekend, then weirdly enough, he said he was going to try to hook up with a girl that night. I thought that it was weird to tell a stranger about cheating on your girlfriend, so I thought maybe I just didn't understand their relationship, normally I wouldn't pry but I had a few beers at that point and a little bit of weed so I asked if his girlfriend was okay with that. He said "no, she would kill me if she found out." [what happened next] I was pretty grossed out by this dude so I just slowly put distance between me and him and talked to some other people. I don't have time for cheaters.

[how much alcohol did you see Angel drink] I don't know, maybe 3-4 beers and a shot. Apparently, he had been drinking all day. I hadn't seen him during the day, but I remember someone mentioned it, or maybe he did. [Did he have any weed?] No, I didn't share with him and I didn't see him do any.

[when did you all leave to go to the party?] we left around 9:30, however I did not make it to the party. [what do you mean] as we were about to leave I got a call from one of my gaming friends that they and few others were all about to hop on and I had to join them. Honestly, playing games sounded a lot more fun than a party, so I snuck out right as everyone was leaving, I don't think anyone even noticed [so you were not apart of the walk to the party or part of the party] no, why? Have people been saying that I was?

[yes, so you didn't go to the party, did you hear anything about the party?] well I sure heard about Barb and Angel, I saw the video and pictures that night on someone's snapchat story. It was all over the place. It solidified to me that my initial reaction to Angel was right though, this was not a trustworthy guy. I mean who cheats, but especially in front of a room full of people [have you talked to anyone about the video] nope, its not that important or interesting to me to help spread gossip, especially when there is a video of what happened. Add that to what Angel told me at the party, seems obvious to me what happened. But the whole thing is ridiculous. [ridiculous how?] he was so drunk he just could not function that night, but to complain that some really hot girl gave you a blow job is ridiculous to me, especially if you can't remember that it happened. [How do you know he cannot remember that it happened?] That is what he told me,

he said there were tons of photos or videos, people were talking about it, at first he laughed about it, but then I guess he got mad and filed this case.

GRAND RIVER SOLUTIONS

Witness 5 (Kayla)

That night started with me and bunch of friends at my apartment pregaming, we were having a blast. We had a bunch of different drinks there and made hunch-punch, which is basically cool-aid made for adults. Everyone there had one or two cups. I make my hunch-punch really strong so two will get ready to party.

After we all had a couple cups and were ready to we head over to TKE. I know a lot of people there and thought it would be a good place to take our group. Barb hasn't really gone to too many parties since she and her boyfriend broke up so I thought this would be a good one for me to introduce her to people. But once we got there she found someone she knew from track, Angel. I don't know Angel but he looked nice enough so I went around the party saying hey to people. When I came to Angel and Barb, Angel had his arm around Barb. I looked at Barb to see if she looked comfortable and I couldn't see any noticeable discomfort. At that point I had probably drank 2 more beers and took a couple swigs of Bob's vodka bottle, which was way too strong for me. I think Barb had drank about the same as me up to that point, possibly more though because it seemed like Angel kept refilling Barb's beer up for her even when it wasn't low.

After a couple more minutes, someone suggested we go downstairs to the basement to play darts. It was also cooler down there, so I was down. I grabbed our friend, Caitlyn, and the four of us went downstairs.

It was clear once we were down there that Angel was trying to get with Barb. I had heard before that Angel thought of himself as a lady's man, but had never seen it before firsthand. He kept touching and moving closer and closer to Barb. I couldn't tell if Barb was uncomfortable but figured she would let me know if she was. Eventually the basement started to clear and the four of us sat down. Once we were in the basement, really the only alcohol anyone drank was from Angel's bottle of vodka which was less strong than Bob's.

Everything else happened pretty quick, one second I was looking at Caitlyn and then I look over and Angel's tongue was down Barb's throat. Barb seemed to be kissing back, but only the best she could as they both were kissing sloppy, like they were both stupid drunk. Then things started to get out of control. Barb was pushed down to Angel's crouch and gave him a blowjob . . . right there in the middle of the room. It only lasted a few minutes, but the whole room was videoing and egging those two to keep going until Barb stopped suddenly. I cannot believe that happened. She then immediately got up and left the basement in a hurry. Angel went back to playing darts and laughing with other people in the basement, he didn't seem upset at all. She was so upset, and she was making no sense at all when I talked to her, I was trying to figure out if she was ok with it or not, and she was just making no sense and then she just said I have to get out of here, and we left. I remember she said something about wanting to wash her mouth out, I ran quickly to say goodbye to a few friends, then Barb, Caitlyn, and I all left. I don't remember

what we did after we got back, it was long day so I assume we all just went straight to bed. I asked Barb if she wanted to talk about it, she seemed really upset. I talked to her the next day, at first she said she just wanted to pretend it hadn't happened, she was stupid for getting so drunk and really mad at herself, and she just wanted to move on. But then suddenly videos were everywhere and Barb talked about how upset she was that, that happened and how embarrassed she was. I tried to give her the space she needed. She never really wanted to talk about it though. [Did you see the video] No, I just couldn't watch it, out of respect for Barb, I wouldn't.

GRAND RIVER SOLUTIONS

Witness 6 (Caitlyn)

I went over to Kayla's apartment to pregame. It was our first party of the year together and I knew we were going to have a blast. Kayla makes the best hunch-punch. It is strong, but you can't taste a thing. The last person to arrive was Barb, who I am good friends with and knew she was having a tough time since her boyfriend broke up with her. I wanted to help her have a good night so I tried to give her a drink of the hunch-punch. She said she had already had one and that was plenty for her. I couldn't blame her, sometimes one is enough to get you pretty tipsy.

We all left for the party about an hour after Barb arrived. We got in no problem at TKE and kind of all went on our separate ways. Kayla went to talk to some fraternity brothers and Barb went to the beer keg and started talking to Angel. I love Angel, he is a really hard worker and has his eyes on being a doctor . . . he literally tells everyone he meets that. I saw the two hug, I couldn't tell who initiated it. They seemed to be having a blast together and looked to be getting physically closer. Like they kept inching towards one another. Eventually Kayla and I found each other again and went to Angel and Barb. I knew Barb was feeling lonely before the party, but she was laughing and smiling with Angel, which was great to see.

Eventually, Angel suggested that we all go downstairs and play darts. So we did. When they were at the keg I wasn't looking the whole time at them, but I did see Angel take drinks out of his and his friend Bob's water bottle that apparently was filled with vodka. I only saw Barb drink beer. Not sure how much though.

It was really crowded in the basement, so I lost sight of Angel and Barb for a while. When I finally saw them, Barb had her arm around Angel's waist and they seemed like they were heavily flirting. They were laughing and smiling a lot. The basement cleared out a bit at some point and Barb and Angel joined us on the couch where me and Kayla had been for a few minutes to catch a break from standing. When they came over, Barb had her arm around Angel. Angel had his arm around her too, but his arm was kind of loose in doing so. [what do you mean, loose] like it was there but not really holding on to Barb. It almost looked like she was supporting his weight a little bit as well. The whole time in the basement I only saw Barb and Angel drink out of Angel's water bottle and Bob's, although I don't remember seeing Angel's water bottle when they sat down.

I don't remember whose idea it was to stand up, but as soon as we did Barb and Angel started kissing. I remember thinking good for Barb, she needed this after she and her boyfriend broke up. It was pretty sloppy kissing, actually kind of gross now that I think back on it, but they both seemed to be enjoying it. Soon Barb began to move down to Angel's crouch and started to give him a blow job. I remember thinking this was crazy, but what was crazier were the amount of people videotaping and taking photos. Some people even egged them on by hooting and hollering. I don't remember how it stopped though. It was a pretty long night and I had plenty to drink, maybe 4-5 beers and 2-3 swigs of from Bob's vodka water bottle, but I remember the

blowjob did not last a long time. Barb got up and went upstairs for a few minutes and came back down. She came down and said she was ready to leave. So we got our things and left. The last I saw of Angel was him leaning against the wall looking tired himself.

We were all pretty quiet on the way home and did not say much. The next day videos of what happened the night before were all around the internet. Selfishly I wish they were all down because I am seen in most of them, appearing to be cheering them on. I don't remember doing that, but it looks bad for me. I haven't asked Barb how she felt about it, but I would figure she is not happy with everyone talking about it and showing the video. Barb is usually a pretty private person. Ever since the videos came out she hasn't been talking to me.

[Have you talked to Angel?] Yeah, I feel bad for him too. He told me he was so drunk that night at the party that he remembers nothing at all, not even getting there, and now he's worried that he won't get into med school because they might see find a video of him and decide not to accept him. He said that was really freaking him out, and I know he was already really stressed because his parents had been insisting that he get straight A's this semester.

Witness 7 (Tommy)

My name is Tommy and I am Barb's ex-boyfriend. Barb and I broke up about two weeks before September 22, 2020. We broke up because I caught her coming on to one of my friends at a party that we were both attending. She was touching him and laughing at everything he was saying, right in front of me. I was made extremely jealous and she just did not care about being decent, or about my feelings. I treated her right from day one and she did not return the favor in kind.

Barb cannot be trusted even in situations that are not as important as this one. She expressed to me that she wished when we were together that I displayed more affection to her in public, but that was something I was not comfortable with. She never expressed to me how much affection she wanted me to show, but whatever it was I was not comfortable in doing so. I am a very private person.

Witness 8 (Dr. Doctor M.D.)

I have always found Mr. Montgomery to be of the highest character. Never once have I questioned his honor, propensity for truthfulness, or his work ethic. It is my opinion that he will make a great doctor one day. I simply cannot imagine him knowingly putting his future in jeopardy like this.


GRAND RIVER SOLUTIONS

Attachments



●●●○○ Sprint LTE

6:29 AM

75% 

[← Messages](#) **987-654-3210**

[Details](#)

You should really think
before you act, now
everyone knows what
you are really like lol

We are never going to let
you live this down

I think you have the
wrong number I have no
idea what you are talking
about

You can't lie, the whole
campus has seen the
video and is talking
about it



iFakeTextMessage.com



Polygraph Examiner: Thomas Dilfer

Polygraph Examination Report

Date of Report:

November 4, 2020

Date of Examination:

November 1, 2020

Location of Examination:

Law Offices of Alexander, Washington, and Adams LLC, 1234, 5210 Founding Fathers Way, Random County, Random State, U.S., 33333.

Examinee's Name:

Barb Baddy

Synopsis:

On September 22, 2020 I attended a party at a fraternity house. Prior to that I drank alcohol and once arriving at the party I continued to drink alcohol to a point where I felt drunk. Later that evening I engaged in oral sex with Angel Montgomery. I believed the whole time that Angel was consenting to the oral sex and did not think he was incapacitated to a point where he could not consent.

Series 1:

Is any part of your statement false?

No

Did you make up any part of your statement?

No

Analysis of Results:

No Deception indicated—probability of deception is less than .02%.

The Daily S

Sunday, July 7, 2020

School Expels Students for F

Two students were expelled this week for creating an adult video in school which they engaged in sexual activity in campus facility. The students posted this video on social media where the school found out, promptly disciplining the students under the code of conduct. The

Expert Witness Report

Re:

Graduate Admissions

Date:

November 1, 2020

Dr. Mason holds a PhD from Top Ranked School in Higher Education Administration, focusing on graduate education, admission statistics. He has presented internationally on admission standards in graduate programs and has testified as an expert witness in a court of law over fifty times in regard to higher education admissions.

The following represents Dr. Mason opinions and expertise in the form of a question and answer interview conducted on November 1, 2020.

Question: Is a 4.0 GPA necessary for Top-Ranked M.D. Program

For the top ranked programs, yes. A study I conducted at my time at Top Ranked School found that only students who had undergraduate's GPA's of 4.00 or higher were admitted to the top 3 programs in the country. While only 7% were admitted to the rest of the top 25 programs.

Question: Can elicited videos, criminal past, or student disciplinary play a substantial role in admission?

They certainly will not help. Top programs have many applicants and the slightest ding in a resume can be a difference. Without some reasonable explanation, things of this nature will almost certainly cost an applicant admission.

Question: Can you speak to the percentage of students who do not have a 4.00 GPA and have a record that are admitted to even the top 25 M.D. programs in the country?

Yes, somewhere between 0% and 1%. It would be almost impossible. You could even expand that to the top 50 programs.



Cape Cod Police Department



Incident Report

Incident No.:

1111-111-1111

Officer:

Phil Knox

Date:

June 1, 2017

Prepared by:

Officer Phil Knox

Incident:

At approximately 6:33 PM, I stopped driver Angel Montgomery for having a broken taillight. When asked why his taillight was broken he responded that he had "accidentally hit the side of his garage door with the tail light." Just as he told me, at approximately 6:45 PM, there was report of a hit and run on a mail box only .2 miles away from where I had stopped Mr. Montgomery. I proceeded to look at the taillight once more and noticed the dent to closely match that of a mailbox poll. Upon coming back to the driver side window, I visibly noticed Mr. Montgomery to be stressed. When asked what was wrong, he responded that he hit the mailbox and lied in order to not have the incident go on his record.

Actions Taken:

Rather than charge Mr. Montgomery, I decided the most effective action would be to have Mr. Montgomery apologize to the owner of the mailbox and pay that owner for the damages. With nothing going on Mr. Montgomery's record, Mr. Montgomery ecstatically agreed and so did the owner of the mailbox. No further actions were taken.

RESPONSES TO EVIDENCE REVIEW

Complainant's Response to Evidence Review

Additional witnesses

I would like you to interview everyone seen on video to ask them if I pushed her down or she intentionally got on to her knees to sexually assault me.

Additional evidence:

Transcript to show I had almost straight A's last year and then this year they dropped because of the sex assault

Questions to Ask

Please ask Respondent:

1. How did she feel the next morning? (Answer: really worn out and dehydrated, with a terrible headache)
2. Did she go to spin class the next morning? (Answer: Yes, I did, I thought it might help me sweat out some alcohol and wake up and also exercise helps me calm down sometimes. I couldn't get through the warm up though, I was too hung over, and I left after about 15 minutes)
3. She said I got "really weird" at the party before we went downstairs. Isn't it true that I wasn't hugging you, but I was using you as a way to keep standing up because I could not stand on my own? (Answer: He was definitely hugging me, not hanging on to me as a prop)
4. If she did not want to be having oral sex with me, why didn't she file her own complaint?
5. How large were the glasses of hunch-punch? (Answer: basic red solo cups)

For Kayla:

1. Did she ever see she saw me use the keg? I don't know how to use one and was too drunk to have figured it out, so she could not have seen me use the keg. (Response: He went to the keg to get Barb a beer, someone was operating the keg at that moment and filled Angel's cup, and handed it to Angel, who then gave it to Barb)

For Nick:

1. You were drinking and smoking weed Saturday night, how can you remember your conversation with me? (Answer: I wasn't out of it, just relaxed. I can remember.)
2. Did you make up the conversation about my having a girlfriend because you think a guy cannot be sexually assaulted? (Answer: First, that's not what I said, that a guy

cannot be sexually assaulted, and second, I did not make up the conversation about him wanting to cheat on his girlfriend)

From Complainant:

Also, I would like to clarify that, when we were sitting on the couch, Barb began touching me all over and started putting her hands on my legs and moving them up until she was touching my crotch. I don't think anyone saw her, she was moving pretty quickly. At first it was ok when she put a hand on my knee, but then I was too shocked to say anything once she put her hand on my crotch and she said something to me, I cannot remember but I think it was about wanting to pull my shorts down, but the next thing I remember she was pulling me up to a standing position. She yanked me up with one hand under my arm and then used the other hand to start pulling my pants down.

Respondent's Response to Evidence Review

Additional evidence:

- Therapy records from visits following party
- Please ask someone to produce the video

Ask Complainant:

1. If you wanted to go to medical school and your grades are so important, why did you go out drinking that night and why did you drink so much? (Answer: One has nothing to do with the other. School hadn't started yet, it's not as if I was partying the night before an exam or something like that.)

Ask Stevie:

1. How could we (me and Angel) supposedly have our arms around each other and still be playing darts, can you explain? (Answer: They weren't pinning each other's arms down, they were mostly touching a lot between throws.)



"Angel and Barb" Hearing Training Packet*

*This training packet is intended for educational purposes only, and not as sample documents. The partial report and supporting statements included in this packet is designed solely to facilitate an understanding of the hearing process, and is not intended to reflect a completed investigation report.

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“Angel & Barb”

Questions Submitted by Advisors*

These questions are submitted by Complainant’s Advisor for Respondent

1. How many drinks did you have at Kayla’s before going to TKE?
2. How big were those drinks?
3. Who mixed those drinks?
4. Were you drunk when you got to TKE?
5. How often do you go to parties?
6. How often do you get drunk at parties?
7. Why didn’t you stay with your friends when you got to TKE?
8. When you got to TKE, did you intend to have sex with Angel that night?
9. What else do you remember from that night?
10. Did you play darts?
11. Isn’t it true that you were easily able to throw darts and hit the bullseye that night?
12. When Angel was “hugging” you, as you called it, he was actually just holding on to you for support because he could not stand up, isn’t that right?
13. How many times did he fall on to you when the two of you were on the couch?
14. Who got up first from the couch?
15. Isn’t it true that you got up first and pulled Angel to his feet?
16. You told the investigator the two of you were drunk sloppy kissing? It seems you are admitting that Angel was drunk, isn’t that correct?
17. Given all that you recall, it seems that you have a really good recollection of that night, no impaired memory, were easily able to play darts, and never fell down, so for you to act as if you were too drunk to give him a blow job and that you’re the real victim here is nothing less than highly offensive, isn’t that right?
18. If someone were sexually assaulted and the other person said it was the victim’s fault, that is victim blaming, isn’t it?
19. Are you alleging you were sexually assaulted?
20. Why would you make that up?
21. If you are saying that you were sexually assaulted, why didn’t you file a complaint? Is that because you know you’ll lose and be expelled for a false complaint and retaliation if you do that?
22. Are you making an allegation in order to retaliate against complainant?
23. Did you ever drink from Angel’s water bottle?

24. Did you ever smell alcohol on Angel's breath while at the TKE party?
25. Have you seen the video of you giving Angel a blow job?
26. Did you initiate sex with Angel in order to get back at your boyfriend?
27. He wasn't restraining you, why didn't you just pull away?
28. Do you often give blowjobs to boys at parties?

Questions submitted by Respondent for Complainant

1. You said you do not remember anyone drinking from your water bottle.
How can you remember that?
 2. Did you file a report with the police?
 3. Why not?
 4. Did you get a medical exam?
 5. Why not?
 6. Is it true that you are hoping to go to medical school?
 7. Isn't it true that you are really worried about your grades this semester?
 8. Isn't it true you were struggling with inorganic chemistry class?
 9. And isn't it true that you wanted to drop the class but you would have had a "W" on your transcript?
 10. Did you end up withdrawing from that class?
 11. And isn't it true that there is no notation on the transcript because you were given the gift of being pulled from the class without any transcript notation?
 12. And is that why you filed this claim, so you could get out of taking the class without anything showing up on your transcript?
 13. You said to the investigator that you "could not believe anyone would film" the sex act that occurred at the TKE party, isn't that correct?
 14. Have you ever watched any porn videos?
 15. Didn't you take a video last year of some of your friends, including Bob and Dylan, playing a game that involved simulating sex acts?
 16. During your interview with the investigator, isn't it true that you had to be reminded by your own advisor that your "story" is that you were too drunk to remember anything, right?
 17. How many times did you and your advisor rehearse your interview?
 18. You said you had no information or memories about what happened at the party, but also claim to remember how her hands were moving, when the two of you were sitting on the couch in the basement. Which one of those statements is the lie?
-

Questions for Bob

By Complainant

1. When you were describing the vodka you poured into your water bottle, what exactly do you consider to be 2 or 3 shots?
2. Did you use shot glasses, red solo cups, or did you eyeball it?
3. What do you remember about Barb's Tinder profile?
4. Did it suggest what type of relationship she was looking for?
5. Did you match?
6. Why were you looking at Tinder?
7. How often do you troll on Tinder?
8. You said Barb took a huge gulp out of your water bottle toward the end of the evening. What did you mean by "huge gulp?"
9. How much of the vodka/orange juice in your bottle did you drink that night?
10. How much was left in the morning?

By Respondent

1. Doesn't your frat have a reputation on campus of getting girls drunk at parties?
 2. Isn't true when you say you take care of people at parties, that you actually just get them more drunk so they will have sex with one of your friends or brothers? That is what you were doing to the respondent, correct?
 3. Didn't you have to retake Measuring Science 101 where they teach you how to measure liquids?
 4. How many times did you watch that video before deleting it?
 5. Do you still have the video?
 6. Will you get in trouble with your fraternity for bringing in illicit alcohol to the party?
 7. Isn't it a violation of fraternity rules for you to drink, particularly when you were supposed to stay sober and prevent people from getting too drunk or harming themselves or others?
 8. Do you feel bad that, by drinking so much, you were unable to do your job well that night?
 9. Do you feel bad that, by drinking so much, you basically allowed the sex assault in the basement to occur, because you weren't keeping a watchful eye?
-

Questions for Dylan

By Complainant

1. You told the investigator you saw Angel spill beer on Barb, isn't that correct?
2. And didn't you tell the investigator that you also saw Angel stumbling and falling?
3. So basically, he was acting like he was so drunk that he could barely function, right?

By Respondent

1. You made a water bottle of vodka and orange juice correct?
 2. How much did you drink?
 3. Do you remember how much of it you had left at the end of the night?
 4. How strong was your orange juice and vodka?
 5. You bought beer. How old are you?
 6. Why do you have a fake ID?
 7. You said you saw Angel at the party, and that he was so drunk he could barely stand up; did you take any action to protect your drunk friend from drinking more?
 8. Is that because your friend was not really that drunk, or because you don't really care about someone being so drunk they can barely stand?
 9. Your friend passed out at the end of the night; which emergency number did you call for help?
 10. You said you put a trash can by him when you saw him passed out, but you didn't roll him on to his side? Is that because he was sleeping, and not really because he was drunk?
 11. Have you ever tried to hit on Barb?
 12. Didn't she reject your advances?
 13. Is that why you're exaggerating your supposed observations that Angel was so drunk?
 14. Respondent does better than you in all your classes, correct?
 15. And you said you once caught her cheating off of you, but isn't it actually true that you were the one referred to student conduct for a plagiarism charge?
 16. If you have a fake ID, what else is fake? Your testimony, for example?
-

Questions for Stevie

By Complainant

1. How much did you have to drink?
2. How drunk did you feel that night?
3. Do you think you were close to blacking out?
4. Given how drunk you were, isn't it likely that you don't really have a good memory of that night?
5. You said Angel stumbles even when he is not drinking, yet you know he is an athlete, so how is it that an athlete stumbles and is as uncoordinated even when sober, as you described to the investigator?
6. Do you have a crush on Barb?
7. How long have you wanted to have sex with her?
8. Are you minimizing how very drunk Angel was in order for her to like you more?

By Respondent

1. Did you see Barb and Angel playing darts?
 2. Was Angel able to play darts?
 3. Was he hanging on to Barb for dear life or standing up and throwing darts?
-

Questions for Nick

By Complainant

1. Isn't true you have no real friends?
2. You don't get good grades, correct?
3. That is because you are always smoking weed, correct?
4. How much weed did you smoke that night?
5. Does smoking weed impact your ability to remember things?
6. Isn't it true that the reason you started smoking weed was because you got a card for medical marijuana, for your anxiety and ADHD?
7. Did you imagine the conversation about Angel wanting to hook up with a girl?
8. Does your anxiety or ADHD make you imagine things that did not happen?
9. Why did you presume Angel was "cheating" when he was actually the victim of a sexual assault?
10. Did you watch the video?
11. Isn't it obvious to you that Angel is swaying and can barely stand up while she gives him a blow job?

12. Do you still have the video of that night on your phone?
13. If I were to call the police on you and tell them that that you have evidence of a crime on your phone, aren't you scared they will find it?

By Respondent

1. So, the complainant seemed desperate to hook-up with a girl that night?
 2. Are you certain you remember that conversation?
 3. What else do you recall from that night?
 4. Can you remember what you ate for breakfast that day?
 5. And isn't it true that you are a really honest person who would never lie?
-

Questions for Kayla

By Complainant

1. Did you notice the complainant stumbling or falling over, once he was in the basement?
2. Did you feel drunk that night?
3. Was the amount you had to drink that night a lot for you?
4. Given how much you had to drink, do you think you can even trust your memories from that night?
5. Barb is a good friend of yours, isn't she?
6. You would say anything to support her, wouldn't you?
7. Did you tell the investigator that Barb was mad at herself?
8. Is it possible she was mad at herself for violating Angel?
9. You said Barb and Angel were "drunk sloppy kissing." Did you get that phrase from Barb, or did she get it from you?
10. Did she tell you what to say here today?
11. Do you know that, if you are caught lying for her, you will be disciplined and might be suspended or expelled?

By Respondent

1. Would you categorize Angel as the initiator of all the contact between him and Barb?
 2. So you would call him the aggressor, is that right?
 3. How many times did you see Angel fill Barb's beer that night?
 4. And you saw him keep topping it off, is that right?
 5. Did that feel predatory to you?
 6. Have you seen Angel or any of his friends like Bob, Dylan, Stevie, or Nick try to get a girl really drunk at a party, on any other occasion?
-

Questions for Caitlyn

By Complainant

1. You would consider complainant a good guy, right?
2. Barb wanted to “have a good time” right?
3. Did she tell you she planned to have sex with Angel that night?
4. You saw her intentionally move down to give a blow job?
5. How often has she done this at other parties? Is giving blow jobs something she casually does at parties?
6. And she is a good friend, right?
7. So this is particularly painful for you, your telling the truth about her sexually assaulting him, right?
8. And would you agree that it does not matter if the victim is a man or a woman, but rape is rape, right ?
9. You said Barb had her arm around Angel’s waist when people were in the basement that night. Is that so that she could control him?

By Respondent

1. You told the investigator you had 4-5 beers and 2-3 swigs of from Bob’s vodka, correct?
 2. Is that a lot for you?
 3. Were you feeling drunk that night?
 4. How drunk?
 5. Was the drink in Bob’s water bottle strong?
 6. Given how drunk you were, why should we trust your recollections of that night?
 7. You said you were cheering on the sex act in the video; were you surprised to see yourself doing that?
 8. Do you remember cheering?
-

*These questions are intended for educational purposes only, and not as sample questions. The questions included are designed to facilitate an understanding of the hearing process.