

Hearings in the New Era

Training Packet*

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Report

Date

Name of Investigator

Case Number

Background:

Complainant informed her RA that she had been sexually assaulted by Respondent, and the RA then forwarded that information to the Title IX Coordinator. Complainant filed a Formal Complaint on November 24, 2019. Specifically, as stated in the December 1, 2019 Notice of Investigation, Complainant alleged that Respondent sexually assaulted her on August 31, 2019, by engaging in sexual activity at a time when Complainant lacked the capacity to consent to sexual activity.

Relevant Policy:

The following are among the forms of sexual misconduct that violate Gotham College policy and their associated definitions:

SEXUAL ASSAULT:

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

This includes

(a) Sexual intercourse, without the consent of the victim, includi

CONSENT: In order to understand this Policy, and the standards of behavior Gotham College expects, it is vital that students and other community members understand the concept of affirmative consent. This must be understood and accepted to be a member of the Gotha

Complainant's Statement:

Complainant stated that she had been sexually assaulted by Respondent on August 31, 2019. She stated that she had known Respondent prior to the incident, but she did not consider that they were friends.

Complainant stated that she is in an all-female vocal group, Floral Choral, and that all of the vocal groups on campus had been invited to a party. She believes that the party had been intended as a celebration of someone's birthday, but she could not recall.

She stated that, before going to the party, she and Witness 1 (also a member of Floral Choral) got ready at Complainant's apartment. She explained that she and Witness 1 are "really into make-up," and so they spent time perfecting their make-up for the party. She stated that she helped Witness 1 with her make-up because Witness 1 has been talking to someone she liked, Student 1, whom she knew would be at the party, and so

that she was with her friend Witness 1 the whole night. She believes that everyone from Floral Choral was at the party.

involvement in the vocal groups, and he never apologized to her or said anything to her, so she decided to text him and ask him if he would get together with her. She stated that he agreed, and they met at the Campus Café for a coffee. She stated that their conversation was "really awkward and uncomfortable," but she really wanted to know why he had sex with her despite knowing that she was so drunk. She stated that he kept stammering and saying "what are you talking about?" in a "really defensive way." She stated that she finally just asked him "How did you not know I was passed out while we were having sex?" and, when he said nothing to her, she just stormed out. She stated that she then blocked Respondent on her phone and all social media. She stated that she had also deleted all texts and social media conversations she had with him, as she did not want to see his name on anything.

Complainant provided text messages she had exchanged with friends in the days after the

stated that Respondent mentioned that Student 4 was just starting to learn to play guitar, and so he (Witness 2) went over and spoke with Student 4 about her guitar playing.

Witness 2 stated that he continued talking to Student 4 for the rest of the night, and did not recall seeing either Complainant or Respondent until he left the party with Student 3 around 1:30 am. Witness 2 stated that Respondent's ex-girlfriend had come to the party and Respondent seemed "really bothered," and so he and Student 3 invited Respondent to go out to get some food. He stated that Respondent declined the invitation and said he was going to walk Complainant back to her apartment. Witness 2 stated that Respondent rarely drinks, and so he often walks drunk girls home after parties "because he's cool and steady, and that kind of nice guy."

Witness 3

Witness 3 stated that she was at Witness 6's birthday party on August 31. She explained that it was Witness 6's 21 birthday, and so she and some of Witness 6's other friends thought that Witness 6 should have a big party.

Witness 3 stated that she initially wasn't going to attend the party because she had too much school work, but ended up going out of loyalty to Witness 6, and also because she hadn't seen Respondent in a while and wanted to catch up with him. She stated that she arrived between

focus on her by having him refill her beer from the keg, although Witness 3 was not certain whether Respondent ever did refill Complainant's beer.

When asked if anyone at the party had seemed to be very drunk, or to have over-consumed alcohol, Witness 3 recalled that Witness 6 was "pretty wasted," but no one else appeared to be drunk. She stated, "It is not like we get super crazy at these parties, there is a keg, everyone has some beers and catches up."

When asked if she had received any text messages from Complainant after the party, Witness 3 stated that she had and provided screen shots. The day after the party, Complainant had Texted to ask Witness 3 details about the party, including when Witness 3 had left the party, and whether Witness 3 recalled when Complainant had left the party. In a reply text, Witness 3 wrote "I don't know when you left, but you seemed fine when I was talking to you. Pretty flirty."

Witness 4

until Respondent came in to get him around 1:30 am. Witness 5 stated that Respondent was "really freaked out" because Complainant had vomited in his bed and then fallen asleep. Witness 5 said that Respondent came in asking him to help, and so he went to Respondent's room and saw Complainant in the bed, lying face down in some vomit. Witness 5 stated that he and Respondent kept trying to get her to wake up, but she didn't, although she moaned a bit and was saying some "nonsense words." He stated that they picked her up and put her on the couch, and that Witness 5 tried to wipe the vomit off her. When asked, he recalled that she was dressed. Witness 5 said they covered her with a blanket, and made sure to turn her to her side in case she vomited again. Witness 5 said that Respondent then started to strip his bed in order to change the sheets, and he (Witness 5) then returned to his room to continue studying. He did not recall seeing her in the morning when he came out of his room to get some coffee around 10 a.m.

Witness Witness 6

Has no recollection of anything after 7 pm on the night of his party. He acknowledged that he

so she texted Complainant "I'm here," and Complainant replied with "k" but then she waited a few minutes and didn't see Complainant, so Student 2 decided to try the door, which was unlocked. She stated she then walked and, as she walked in, Complainant was walking from a bedroom, wrapped in a blanket and not wearing any shoes. Student 2 said Complainant looked "awful," and "smelled, there was vomit on her." Student 2 said she helped Complainant into her car, then went back in to see if she could find Complainant's shoes, which she found in the living room area, not far from the front door. Student 2 said she brought Complainant back to Complainant's dorm room and put Complainant to bed. Ashely stated that Complainant did not talk to her, other than mumbling that she felt ill.

Student 2 stated that she texted Complainant around 4 pm the next day to check on

was drinking more and more beer, possibly because it was so warm and humid that night. She remembered seeing Respondent refill Complainant's beer "at least two times, maybe more." She recalled that Complainant started to laugh really hard at everyone's jokes, and was "wobbly". When asked what she meant by "wobbly," Witness 1 explained "she looked like she might just fall over at any moment, and was just

came back to bed, he smelled vomit and realized she had thrown up in his bed. He stated that he tried to wake her up, but that she was passed out. He stated that he got his roommate to help him lift her out of his bed and put her on the couch.

He stated that, when he woke up, Complainant was gone.

He stated that he did not reach out to Complainant, because he really did not want to have a relationship with her. He stated that he then received a text from Complainant "at some point," asking him to meet her. He said he went because he assumed she wanted to apologize for throwing up in his bed, but instead she "started saying all these crazy things" and blaming

December 1, 2019

Caleb Case
123 Main Street
Sent via email

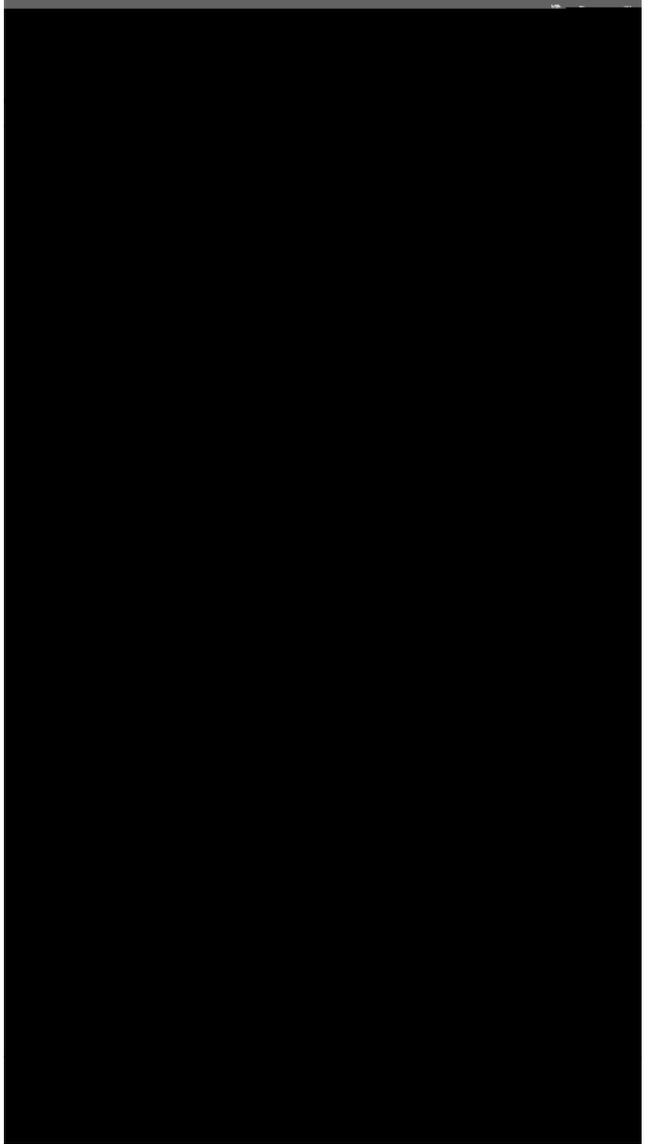
RE: Notice of Formal Complaint

Dear Mr. Case,

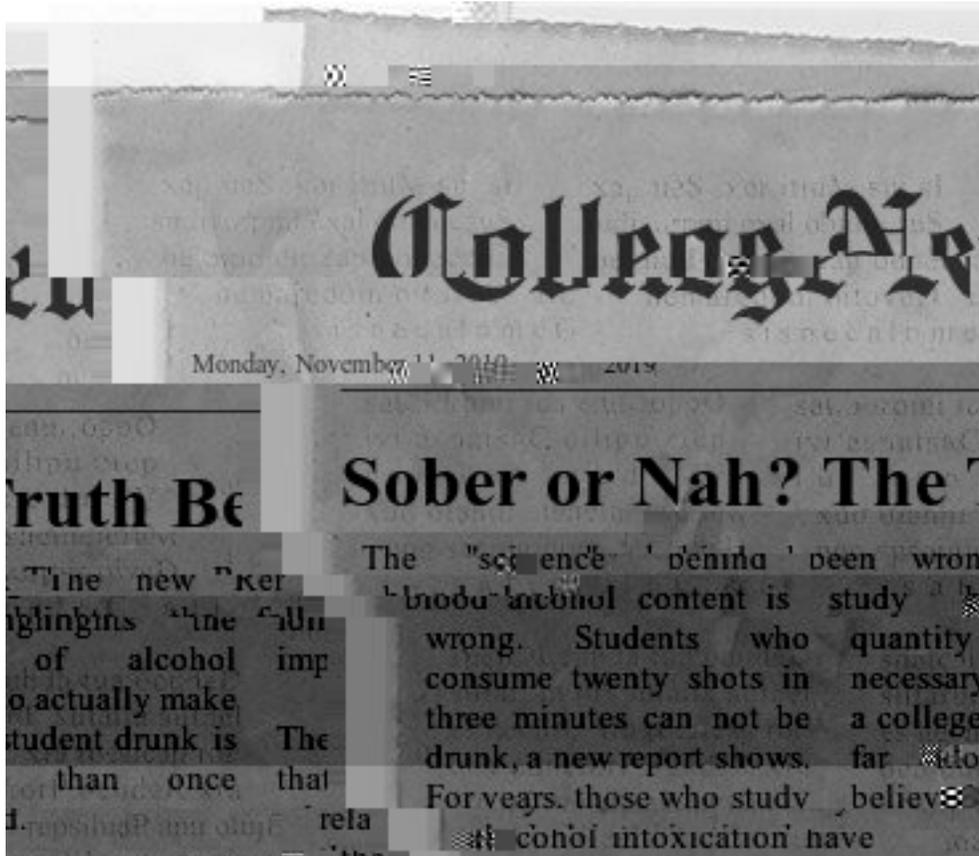
This letter is to notify you that a formal investigation of a violation of Gotham College's Sexual Misconduct policy has been initiated. This is based on a report made by Cecily Soprano, in which she

Incapacitation due to alcohol or drugs. Gotham College will consider a variety of relevant factors when

Attachments







College News

Monday, November 11, 2019

Truth Be

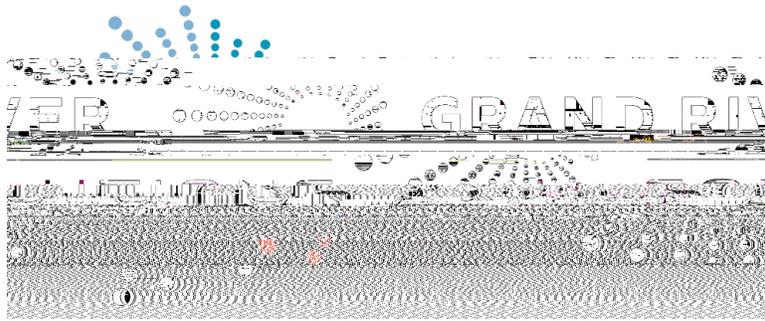
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The new study
findings show
of alcohol imp
to actually make
student drunk is
than once that
d. capsulap am quje

The science behind it has been wrong
of alcohol content is study
wrong. Students who quantity
consume twenty shots in necessary
three minutes can not be a college
drunk, a new report shows. far
For years, those who study believ
at the highest levels of alcohol intoxication have



The Daily
Monday, January 17, 1926



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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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