

## Case Study: Bill and Gina

Complainant: Gina

Respondent: Bill

Witnesses: Stephanie and Kim (suitemates)

First Responder: RA and UIPD

Bill and Gina met in high school and dated all throughout their high school years. After four years, neither wanted to be apart so Gina started applying to colleges that Bill was looking at. Bill was accepted at Illinois and Gina decided to go there as well despite passing on better aid packages to go to other schools.

Their relationship is a love story in the making. Gina loved how Bill treated her. Dates, flowers. Gifts, attention – of this made Gina feel special. She was physically attracted to Bill and fell in love with him relatively early on. Gina was the first girl to show interest in Bill and he loved how that made him feel.

Bill was a county champion on his high school wrestling team, and Gina was the team's biggest booster. She worked as a manager on the team to be close to Bill. One weekend in late October of their junior year, they went to a party at one of Bill's teammates house whose parents had left for the weekend.

The party was out of control. There were roughly 150 people present. It was a scene right out of a movie with tons of alcohol, loud music, tons of intimacy among the attendees. Bill was getting a ton of attention by several of the women at the party. This upset Gina greatly as she never had experienced jealousy before. She was visibly affected with sadness and Joe, a fellow wrestler on the team, noticed. Joe had a crush on Gina, but would never let that be known, as that would disrespect his teammate and friend, Bill. However, seeing Gina like this, made him want to help. Gina retreated to one of the bedrooms when her sadness evolved into tears. Joe followed her.

Joe entered the bedroom that Gina was in and attempted to console his weeping friend. They spoke for almost an hour. Gina was so moved by Joe looking out for her and consoling her that she leaned in and kissed him on the cheek and thanked him for being there for her.

Bill, who was intoxicated, noticed that Gina was nowhere to be found. He began looking around the party for her and became worried. Suddenly, he noticed Gina exiting a bedroom with Joe. He also noticed the lipstick on Joe's cheek. Bill became enraged and slapped Gina. Not realizing his own strength, Gina fell to the ground and blood was gushing from her nose. Joe then dove at Bill and the ensuing fight became a huge brawl that destroyed the house. This was the first time that Bill hit Gina.

After days apart, Bill came to Gina with gifts and flowers as a token of his apology. He told her he loved her so much that when he saw her with another guy and couldn't contain his anger. Gina was skeptical as she had never been hit before. Her parents had never laid a hand on her, nor had she been in a fight – so the instant his hand struck her face was a feeling she hadn't experienced before.

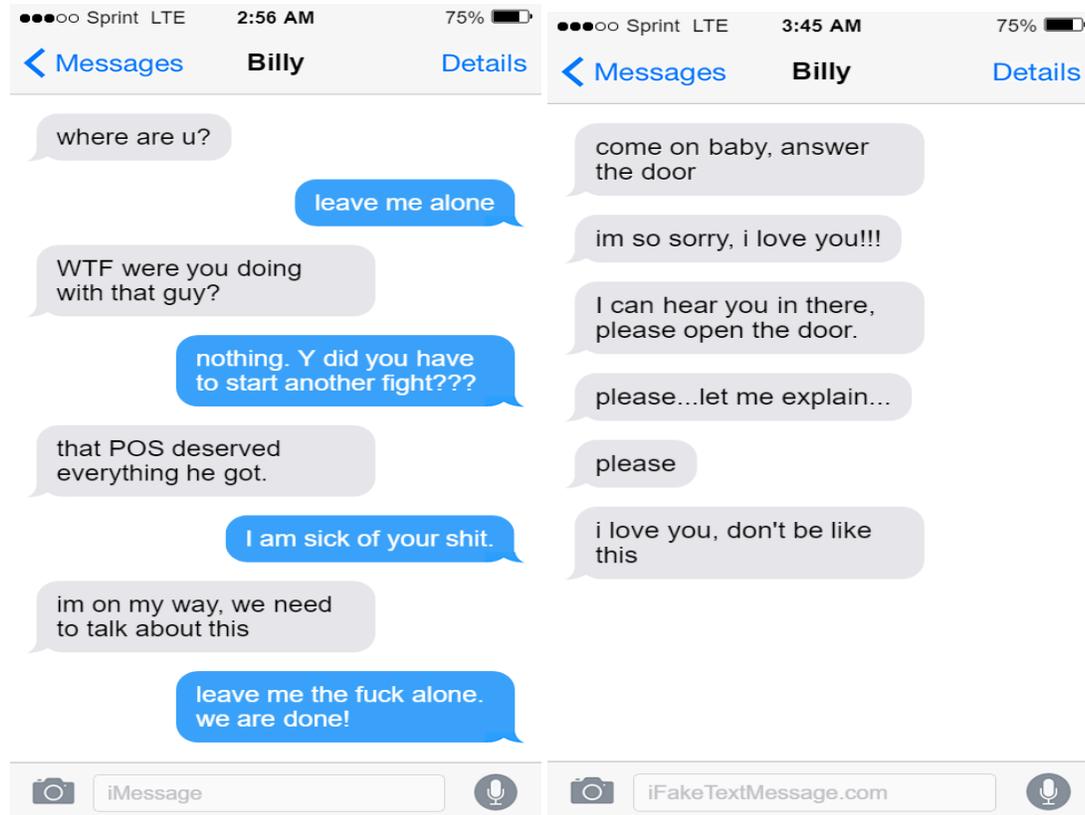
This party seemed to be the initiation to Bill and Gina partying and drinking with friends. Neither were aware of their limits and both would frequently drink to excess. Their consumption of alcohol knew few limits, as did physical contact when drunk. Bill would frequently hit Gina during jealous rage while

drinking. He would always come back with gifts and puppy dog eyes, begging for forgiveness. Gina loved him and listened. Bill would always swear that this would never happen again.

At college, this behavior continued. Bill rushed a fraternity and Gina a sorority. The fraternity that Bill joined was aligned with a different sorority than Gina's. Social were separate and both Bill and Gina's jealousy grew.

On Friday night, three weeks ago, Bill's fraternity hosted a private party at Boltini with members of the other sorority. Gina was invited to a sorority function with another fraternity at Kam's. A guy at Kam's was really coming on to Gina and the two made out at the bar for a good deal of time. Bill, feeling guilty for going out without Gina, headed to Kam's to apologize to her. Bill observed the making out in the bar and attacked the guy inside of Kam's. Both men were thrown out by bouncers, and Bill left the bar. Gina who was crying uncontrollably, left with a sorority sister, who walked her back to her room at Wassaja.

Both were intoxicated but appeared in control of their faculties. Gina went into her suitemate, Stephanie's room, to cry uncontrollably and tell her what happened. The following text exchange between Bill and Gina occurred after they departed Kam's.



Bill tailgated into Wassaja and started pounding on Gina's door. Gina was initially strong and had no intention to open the door while in Stephanie's room. Bill was not affected by this as he enabled Gina's

find my phone app, and knew she was in her room. Bill was crying and pleading her to open the door. Eventually, against Stephanie's advice, she opened the door and went into her own room with Bill.

The suitemates could hear low level talking and crying for about twenty minutes. All of a sudden, they heard a big thud from inside Gina's room followed by Bill saying, "don't you fucking push me, haven't you learned you can't do that to me?" All of a sudden, they hear slapping and large thuds against the wall. Stephanie started pounding on the door to get them to open up the door. Kim, the other suitemate, called the RA. The RA, in turn called the police.

The RA started knocking on the door upon their arrival as they heard yelling inside the room. Once the police arrived, the room fell silent. After several moments, the door was opened. Gina had a large bruise on her cheek and her shirt was ripped. Bill had scratch marks on his face and arm. Bill told the officer that they argued, but that Gina had tripped and fell. Gina would not answer the police officer's questions. Because of the injury and interviews of the suitemates, the police officers arrested Bill and removed him from the building. The students were issued a no contact directive by University Housing staff.

Initially, an investigation was not started because Gina did not want one. Weeks later, Gina came forward and stated that her previous statement was a lie because of a combination of love and fear of Bill. She now wants to move on and stand up for herself.

Assuming a formal investigation was initiated at the request of the complainant:

- What questions would you have for the Gina, the complainant?
  - What questions would you have for Bill the respondent?
  - What witnesses do you want interviewed and why?
  - What role does witnessing a violent situation happening to someone else play to a person not directly involved?
  - How do you react if the complainant should want to get him help, but doesn't want him kicked out of school?
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- What questions would you have for the RA? The police?
  - Are there any other witnesses you might suggest reaching out to? What would you hope to learn from them?
  - Based on the information provided, would these allegations, if true, constitute a violation of the Sexual Misconduct Policy as it pertains to Dating Violence? If so, which section(s)?
  - What questions would you have for Stephanie and Kim, the suitemates?

## Case Study

Respondent: Finley Alberts, Graduate Student, Computer Science

Complainant: Peyton Helmick, Tenured Faculty, Civil and Environmental Engineering

Witness: Riley Jones, Non-University Affiliated, friend of Complainant

### **Statement from Peyton Helmick**

March 8, 2020

On October 12, 2019, I received an email from Finley Alberts, a new graduate student in the Computer Science program. They had read an article in the Daily Illini I had written about the experience of being an out faculty member in Engineering. They had some questions for me and asked if we could meet for coffee. I agreed, and we met at the Daily Byte the next day. Finley mentioned that they were starting their graduate program this year, after being recruited from UCLA, and had some concerns about being out in the college. I hesitate to say that, as I understand they are not out to their department, but the discussion may provide additional context for the complaint. Finley asked me about my experience, whether I'd received any fallout, the reason I had chosen to be out in the college/at work, and had some general questions about the community. This meeting was about a half hour long, and ended with a handshake, where they thanked me, and I wished them luck as a new student.

On October 30<sup>th</sup>, as I was leaving a class I teach, I saw Finley outside my classroom. They were standing looking at their phone, and seemed surprised to see me. I waved and started walking toward my office, and they caught up and followed. They asked me how I'd been, what I had been up to, how my weekend was. I provided some general information, mentioned a Krannert event I had gone to the prior week, but left my weekend vague. I had another student waiting outside my office, so I wished them well and went in to talk to the other student.

The event I mentioned was a weekly event at Krannert, something I regularly go to with a friend of mine, although I had not mentioned that to Finley. That Thursday, I was talking to my friend and I saw Finley. They walked over to say hello and mentioned after hearing me talk about the event, that they wanted to check it out. I introduced them to my friend Riley, and excused myself to go to the restroom. After I came back, Finley followed us as we went to sit down, and sat with us.

Over the next two weeks, I saw Finley in my building four or five more times, either near a classroom I was teaching in or in the hallway where my office is located. At first I had assumed they were there for a meeting with someone else in the building, but eventually it started to seem that they were there to see me. My course schedule and office hours are information that anyone has access to, so it would not have been difficult for them to figure out when I was in the building. The first week of November, I saw them at the Espresso Royale in Grainger where I generally get a cup of coffee between 9 and 9:15 every morning. At first it was only a couple of times, but soon, I noticed they were there every morning too, at the same time, which struck me as odd as the building they would spend most of their time in had its own coffee shop. I had also seen them at every one of the Thursday Krannert events, where in the first few, they'd stop to say hi and chat, but soon started arriving at the same time and sitting with Riley and me each week.

In our early interactions, I had assumed since they were new that they were looking to meet and greet with faculty and suspected they may have been attempting to make new friends in town. I tend to keep my work and home life separate to maintain professionalism in the workplace. I attempted to make this clear without being rude. When they suggested a happy hour on a couple of occasions, I let them know I was unavailable. After seeing them at coffee and at the Krannert events, I wanted to start to set some boundaries. There was not one specific thing I could point to, but I felt uneasy.

When the spring semester began, after some reflection, I altered where I went for coffee, and asked Riley if they'd mind if we could go out to dinner for the next few Thursdays. In February, Finley surprised me in my office, mentioned they had not seen me in a while, and wanted to see how my break was. I was polite but vague, and asked about their break. They went into great detail about their trip back to California, but then mentioned coming back early to make sure they didn't miss any of the Thursday Krannert nights. They mentioned being disappointed at not seeing Riley or me at the events, and asked about them. I mentioned we just decided to mix things up. They pressed for more details, but I told them I had to go to another meeting. They made a strange face, but mentioned they had to run to grab something for a class, and left.

I had started going to Einstein's inside the computer science building, and had switched my time to 8 a.m. On February 6, I saw Finley walk in as I was standing in line. They came over to stand with me, saying they had discovered this place over break. They asked when I made the switch from Espresso Royale. I didn't see them there the next day, but after that, I saw them there every morning for a week straight. Then on February 12, I received a text message from an unknown number. I asked who it was, and it was Finley. I asked how they got my number, and they told me they got it from Riley. They asked me what I was up to, if I was interested in grabbing some dinner, and I told them I don't hang out with students outside of work as a general policy. They said they understood that, but didn't think it applied to them as we hung out all the time after work, at Krannert. I told them it did apply to them.

I called Riley, who stated that after the second or third Krannert Thursday, Finley had asked for their number to text them a funny article they'd seen that related to their work. They didn't think anything of it, so they gave it to them. Earlier that night, around 5:30, Finley had texted them that they'd found something of mine I had left at the coffee shop and asked if they could send them my number, because they had lost it. I hadn't left anything at the coffee shop, and I had never given them my number.

I then texted them that I felt uncomfortable that they had my phone number and asked that they please delete it and not text anymore. They asked if they'd offended me, and I said I wanted to end our communication. After that, I blocked the number.

On February 14, I went into work, and saw a gift bag hanging on a door handle. Inside were two gift cards, one for Espresso Royale and one for Einstein's, with a post-it that just said "Sorry." I did not feel comfortable using them, so I left them on a table in the student lounge with a note indicating it was free for the taking. I did not want to email Finley as I had already asked them not to communicate. I did take pictures first though.

A week later, they stopped by my office hours, and asked if I liked the gift. I told them that it was inappropriate and they needed to respect my boundaries and stop communicating. Finley's face got red, they raised their voice and called me "ungrateful" and "a jerk," and said they were just trying to be my friend. I told them they needed to leave and respect my wishes to end communication.

I did not want to call the police, but I do feel this behavior is extremely inappropriate, and I'm extremely nervous arriving and leaving work now. They do not seem to be respecting my wishes to maintain distance and I want no more contact with them. I am not certain if they are romantically interested or if they are focused on me for other reasons. Given this level of unprofessionalism, I am worried about their stability and success here.

I want Finley to cease any and all communication with me and do not want to be their mentor.

✧ What questions, if any, do you have for Peyton at this time?

Assuming a formal investigation was initiated at the request of the complainant:

- ◇ Based on the information provided, would these allegations, if true, constitute a violation of the Sexual Misconduct Policy? If so, which section(s)?

**Statement from Finley Alberts**

March 23, 2020

I started taking graduate classes at Illinois in Fall 2019. I had a few major universities to choose from after my research at UCLA, and chose Illinois for the reputation of the Computer Science program. I was a little hesitant, as I had never lived in the Midwest, but ultimately made the move for this prestigious program opportunity. I didn't know anyone, but I was reading the student newspaper and saw an article about a professor who was out in Engineering, and admired their bravery and thought they sounded like the kind of person I wanted to be friends with, or at the least have a conversation with. So I sent them a message, and invited them to have coffee.

The building I have classes in and where their office is share a courtyard, so I would see them occasionally. They had mentioned an event that sounded like a good way to meet new people, so I started going to the Krannert Thursday night series. I started hanging out with Peyton and their friend Riley at those events, and we had a great time. I stopped by their office on occasion in between classes, or after dropping something off to another professor in their building (I can't recall exactly what dates or what professors, but I know that was something I did on occasion in the Fall semester, a few times).

They seem to think I was following them to where they get coffee, but we just happened to have the same open period and I was on the hunt for a good place. I had been dropping off a book at Grainger when I saw them at the coffee shop that first morning, and decided to try it. I thought morning coffee would be a good way to bond with a new friend, and someone I had started thinking I would like to have as a mentor. They seemed polite and friendly, and I had done some reading on their publications, and I greatly admired their work. I honestly thought our morning coffee ritual was a normal way to make friends. I was meeting them and Riley every Thursday, and it was nice to have started a social life in a new town.

I had made the switch to Einstein's since I had not seen Peyton for a while, and they weren't going to their usual spots. I had been disappointed, and saw from Peyton's class schedule that they were in class from 9-11, so I assumed they'd been getting coffee earlier. I waited at Espresso a few days hoping to continue our coffee chats, which I enjoyed, but Peyton wasn't there. On my way into campus one day, I saw Peyton heading into Einstein's. I had tried that place once during the break, just to get some class work done, so I used that excuse to try to rebuild the relationship again, as I still hoped for Peyton to be a mentor and a friend. At my previous university, it was not uncommon for professors to join grad students for the occasional happy hour and there was a lot of comradery. Peyton shares more of my views than some of the other professors, and I felt we would be great friends if Peyton would see that. I understood why they might be hesitant based on the struggles they wrote about in their article, and wanted Peyton to know they could trust me.

With regard to getting their number, Riley gave me their phone number the first night, as they'd been telling a story about their work and I saw a piece from the New Yorker that related to what they was talking about and said I could send it to them. I didn't text them again until asking for Peyton's number. I had wanted to see if they wanted to grab dinner, but I came up with an excuse that I wanted to have a night out.

While Peyton had mentioned they kept their work and social life separate, I didn't think that applied to me, as you can see from our text exchange (shows text exchange). I was not anticipating they would get so upset. I didn't realize they had blocked me, but I think that was an overreaction. I had clearly upset them, but I didn't know why, and I didn't want to negatively impact a relationship with someone I had really come to admire and

that I now considered a friend, so I left them an apology gift to their two favorite coffee spots, I thought that would be a thoughtful gesture and reopen communication on a positive note.

I didn't hear from them, so I waited a week for things to settle down, and stopped by their office after a class. They were extremely rude, and I got upset and did call them a jerk, which I was sorry for as soon as I left the building.

I reflected at home and realized if I wanted to repair this friendship, I was going to have to respect their wishes. We're all adults, so I assumed this would blow over and I'm mortified that it's come to this and a little offended.

✧ What follow-up questions, if any, do you have for Finley at this time?

### **Statement from Riley Jones**

March 27, 2020

Peyton seemed a little aloof, but polite at the Krannert functions, and I assumed they were helping out a new student on research or something. I don't really ask them about their research so I didn't think much of it, on occasion we would run into someone they knew from work. Finley was more interactive than others that would stop to say hello, and seemed eager to hang out the nights we ran into them. After that, when I realized they were coming alone to the events and would come straight to us to hang out, I assumed that Peyton had invited them to join us, although Peyton never seemed to invite them to any of the other things we would do together. Finley had texted me once and shared an article with me that first night, but nothing more until the message where they asked for Peyton's number and said they'd lost it. Peyton seemed extremely unsettled once they received contact from Finley, and I was sorry that I had not asked more about Finley previously, especially before giving them their number. I have since blocked Finley's number.

✧ What follow-up questions, if any, do you have for Riley or any other party?

✧ Are there other witnesses/individuals you would want to talk to?

✧ What, if any, information do you feel you still need regarding this situation?

✧ What information has been corroborated?

✧ Do you need to evaluate credibility of any individual(s)?

✓ If so, do that and explain your determination.

✧ Based on the information provided, do you believe Finley is in violation of the Sexual Misconduct Policy?

✓ Why or why not?

✓ If so, which section(s)?

## Case Study: David and Stevie

Complainant: David Rose – First year student  
Respondent: Stevie Budd – First year student  
Witness: Twyla Sands – First year student

### STATEMENT OF David Rose:

I am here to report that Stevie Budd sexually assaulted me. On October 29, 2019 I went to a tailgate at Grange Grove. While I was there I drank beer both from a cup and from a beer funnel. I am not sure how many beers I had. I also had some jello shots that had alcohol of some sort in them but I don't know what it was, how much or even how many of them I had. This is not something I normally would do. I rarely drink alcohol and I don't really enjoy social situations like this, but I thought that I should at least go tailgate once during my time in college. I mostly was walking around talking to people I didn't really know, but eventually I happened upon Stevie and Twyla. I knew them from one of my classes. By the time I found them I was pretty drunk but I just kept drinking. The last thing that I can remember clearly is Stevie grabbing the jello shots from one of the tents we were at and telling Twyla and I to have them. The next totally clear memory I have is waking up in Stevie's room, in her bed without my clothes on. I have some spotty memories of waking up to a loud noise. I have since figured out, that was probably the cannon that goes off at the football game. Stevie lives in Scott Hall, which is right across from the stadium. But at the time I just knew it was a really loud noise. I didn't have enough energy to wake up at that point to figure out what was going on. I also kind of remember Stevie kissing me and grinding on me in bed, but that is not extremely clear of a memory. It is foggy. So, when I woke up the next morning it was very awkward. When I woke up, Stevie was already awake and at her desk on her computer. When she saw I was awake she told me that my clothes were sitting on the foot of the bed. So I grabbed them and put them on. I told her I couldn't remember what happened last night and she said, yeah you were pretty wasted. I asked her if anything happened and she said oh we hooked up, but it is not a big deal. She said, let's not do that again. I was very uncomfortable at that point and left. I have just tried to avoid Stevie since that point. I see her sometimes in class, but I try to come in at the very last minute and leave right away so there isn't an opportunity to have to chat.

### STATEMENT OF Stevie Budd

On October 29, 2020 I was at a tailgate before the night football game with my RSO I am in. A lot of alums were back that weekend. My friend Twyla Sands was also there with me. We were both helping out with the set up of our tent. We both drank a little bit, but since we were supposed to be cleaning as we went along so the packing up of the tent would go smoothly we didn't drink all that much that day. Plus with the alums there I wanted to make a good impression. Towards the end of the tailgate, when people who had tickets were leaving to go into the game this guy from one of my classes, David showed up. It was kind of weird he was there all by himself. But whatever, I like to be welcoming. I gave him a

cup for beer. He stayed at the tent until Twyla and I decided to leave. As we were cleaning up, I noticed there were still some jello shots left. So instead of them being wasted, I gave them to David and Twyla. After that we went to leave. David said that he was really drunk and asked if he could stay in my room because he lives in Allen Hall and he didn't think he could walk that far that night. So I said, sure you can sleep in my room no problem. When we got back to my room he climbed right in my bed. I got in bed with him too. We were laying facing each other and he told me that I was pretty. After that we started kissing. Both of us took off our own clothes. We had sex, but it was really quick. We were in that same position laying in bed facing each other. He was for sure into it. He said he wanted me. It wasn't just me making this happen. I feel like that is a crazy accusation. After that we both went to sleep. I woke up early that next morning. I got up, put on sweats and started working on some homework while David was still asleep. When he woke up he looked kind of out of it. I told him where his clothes were. I told him that I didn't want to hook up again the next morning. I think he is bitter and that is why we are here. We didn't talk much and he left. I haven't really talked to him since then.

#### STATEMENT OF Twyla Sands

I am not even 100% sure of why I am here. I asked Stevie when I saw her name in the letter you sent me, but she said she didn't think she could talk about it with me. All I know is that I was tailgating with Stevie through our RSO and David randomly showed up by himself. He was kind of drunk when he got there, but I was too, to be honest. We drank beer and did a bunch of jello shots. Stevie gave them to us. I hate the flavor grape so I gave all of the grape ones to David. They were made with vodka and different kinds of jello. Stevie and I live in the same building so when we started to leave David asked if he could stay with one of us because he said he was way too drunk to walk all the way back to Allen. Stevie said that was fine and he went back to her room. As we were walking home David was saying some nonsensical things and he kept tripping and falling so we were holding on to his arms to keep him from falling over.

#### Questions:

- What information does David provide that supports his allegation?
- What is some additional information you would like to know from David?
- David's statement suggest that he may have been incapacitated. What factors support this claim?
- What additional information would you like to know to assess David's credibility?
- What information does Stevie provide that discredits David's allegations?
- What information does Stevie provide that supports David's allegations?
- What is some additional information you would like to know from Stevie?
- Stevie suggests that she engaged in consensual intercourse with David. What factors support this claim?

- What additional information do you need to know to assess Stevie's credibility?
- What information does Twyla provide that supports the allegations?
- Do you find Twyla's statement to be credible? Why or Why not?
- Would you consider Twyla's statement to relevant? Why or Why not?
- Given Twyla's statement, what additional information would you want to know from David or Stevie?
- Did Twyla's statement change any of the facts that you previously identified?

#### Final Question

You have determined it to be a fact that David was incapacitated, did Stevie know or should have reasonably known that David was incapacitated? Please identify the details that support your determination.

## **CASE STUDY: Jane Villanueva and Rafael Solano**

Complainant: Jane Villanueva

Respondent: Rafael Solano

Witness: Michael Cordero

On July 25, 2020, Jane Villanueva met with Jenna Cler in the Title IX and Disability Office. In this meeting, Villanueva described an incident of possible sexual misconduct involving another student, Rafael Solano. Ms. Cler explained to Villanueva her rights as a complainant and her options for moving forward, and at the conclusion of this meeting, Villanueva decided that she wanted to proceed with a formal investigation. With Ms. Cler's assistance, Villanueva scheduled an appointment with Office for Student Conflict Resolution investigators January Boten and Debra Imel for July 29, 2020.

### STATEMENT OF JANE VILLANUEVA

On July 21, 2020, I received at least 25 messages from different people telling me that there was a naked photo of me on Rafael Solano's Twitter account. By the time I went and looked at Rafael's account, the photo wasn't there anymore. I know Rafael because he and I used to sometimes mess around with each other. He was attractive, but other than that we didn't have a lot in common. Back in March when everyone first went back to their parent's houses, I was texting with Rafael. I was home and bored. There were times when we would send each other pics. It was just silly and playful. But I thought he at least cared about me enough not to share those photos. Well, a couple of weeks ago I got back together with my former boyfriend, Michael Cordero. I told Rafael that I couldn't be talking to him like that anymore. He told me that no one would find out and that he wouldn't tell anyone. I said I couldn't because that would be cheating, and I really think that Michael is the one for me. He seemed really offended. Then like a week later that is when I was told he had posted a naked photo of me on Twitter. I don't know if he was trying to make it look like I cheated or if he was just trying to make me look bad, but either way, it was not okay for him to do that. I guess I would consider this revenge porn. God that is awful. And the fact that so many people saw it, including Michael, well that is just the worst. I have not told my parents about this. They would be horrified if they knew I sent anyone photos like that. I am so stressed and embarrassed.

1. What questions, if any, do you have for Jane Villanueva?
2. Based on the information provided, would these allegations, if true, constitute a violation of the Sexual Misconduct Policy? If so, which section(s)?

## STATEMENT OF RAFAEL SOLANO

I understand what the charges are against me and it looks pretty bad, but I did not do what I am being accused of. I certainly would not be stupid enough to put something like that on my own Twitter account. I did have photos of Jane in my phone. The reason I had them was because she sent them to me. That means that having them cannot be something that is my fault. She is the one that did that. I am not sure why someone would tell her I put pictures like that of her up though either. That is kind of a rude thing to do. I have been home since the quarantine. The only people who have been at our house have been my family members and the kids that live next door to us. We have a pool, so sometimes they come over. I don't think that they would do something like that though. I guess it is possible that one of my sisters or their friends could have gotten my phone and done it, but it just doesn't seem like something they would do. That is weird. Also, if they did it, they would have had to delete it right away as well. I asked my sisters and they said they don't know anything about anyone being on my Twitter account. So, I don't know what happened. But, I did not do what I am being accused of. I wish only good things for Jane.

## STATEMENT OF MICHAEL CORDERO

I am Jane's boyfriend. We had broken up around Christmastime but then we got back together in April. I knew that she had a crush on Rafael Solano for years. Not something I thought she would really act on, just that she thought he was attractive. So, I will be honest I was a little jealous of the guy, so that is why I was following him on Twitter. On July 21, 2020 I was scrolling through Tweets when this photo of a naked girl popped up. I stopped for a second and was stunned because it was Jane. I was able to see her face and then the photo stopped at her waist. But still, you don't expect to see that kind of thing online of your own girlfriend. I was kind of mad, but we had just gotten back together and I didn't know what to do, so waited a couple of hours and then called her. She was sobbing. She said that people had been texting her all day saying that they saw this photo of her. She said mostly people were nice about it and asking if she was okay. She was still upset. She said that when she went to look for it, it was gone. So then I went and looked again and it was gone. She told me that the photo was an old photo from when we were broken up and that she doesn't know why Rafael would put it on Twitter.

1. What follow-up questions, if any, do you have for Jane, Rafael, or Michael?
2. Are there other witnesses/individuals you would want to be interviewed? Is there any information you believe you still need?
3. Evaluate the information presented and the credibility of the participants in this investigation.
4. Based on the information provided thus far, do you believe Rafael is in violation of the Sexual Misconduct Policy? Why or why not?

## Case Study

Respondent: Sam Ming, Senior Student, Computer Science

Complainant: Kris Jones, Junior Student, Business Administration

Witness: Rebecca Hughes, Accounting Student, a neighbor of Complainant and Respondent

### **Background**

Kris Jones met with the Title IX office on October 10th, 2020, to understand their rights and understand what options were available. After, Kris wanted to pursue forward with a formal investigation from the university. With office staff's assistance, Kris scheduled a meeting to meet with investigators within the Office for Student Conflict Resolution for October 12th.

### **Statement from Kris Jones**

October 12th, 2020

On the night of October 7th, 2020, I was watching a movie with my live-in partner Sam Ming. We had been dating since April 2019, my first year of college. This semester we moved in together into an on-campus apartment in Ashton Woods. On the night of October 7th, 2020, we kissed and fooled around in our living room. We eventually moved into the bedroom. I was not planning on having sex that night, as I was not in the mood. I was okay with just fooling around. Sam and I have had sex numerous times before, but Sam had always been respectful of my boundaries and never tried to push me into anything. We had engaged in anal sex previously, but we talked extensively before doing it in the past. As we were intimate, Sam placed his penis in my anus. I repeatedly attempted to push Sam away, but Sam continued to have sex with me. I kept hitting him in the chest while he was on top of me. While this was happening, I struggled to find words to say and just wished it would be over. I was crying the entire time this was happening. When Sam finished, I grabbed a pair of shorts and a t-shirt and ran out of the room.

I was in the bathroom of my apartment, crying. Sam eventually came to the bathroom door and kept asking what was wrong. Sam kept pounding on the door. My neighbor Becky from the apartment above us knocked on my apartment door to see what was going on. Sam let Becky into our apartment, and Becky wanted to see if Kris was okay. Becky and I spoke through the door for a few minutes. I suggested that Sam should leave the apartment now. I eventually let Becky into the bathroom and told her what happened. Becky suggested that I should either call the police or call for a community aide. I did not know what to do. I asked if we could talk about this in Becky's apartment. Becky and I went up to her apartment to try and think about options. I decided to report to the Title IX office the next day.

### **Initial interview with Sam Ming**

Kris and I have been dating since my sophomore year, about two-plus years. We moved into an apartment in Ashton woods this semester, and things were going great. There are ups and downs with any relationship, but I would say that we had a lot more ups. I honestly do not know what the issue is that happened a few weeks ago. On October 7th, we were sitting in our living room watching TV, we both were being flirtatious and touching each other's arms or legs, whispering to each other. We were making out on the couch, and Kris asked if I want to go over to the bedroom. I agreed, as our furniture was not that comfortable. When we got into the bedroom, we continued to kiss, and both of us had our hands all over the other person.

I began removing Kris's clothes, and I removed mine. Kris seemed into everything and repeatedly kissed me back as this was going on. Kris performed oral sex on me for a while; then, I performed oral sex on Kris. I was following our routine when we had sex. I then penetrated Kris in the anus while I on top. We had done countless times before and everything seemed okay, Kris's hands grabbed my chest and looked into it. I did observe Kris seemed to be quieter when we were having sex than in the past. When we got done, Kris almost immediately got up, grabbed some clothes and went out to the bathroom. I waited for about 5 minutes, then I got worried, so I knocked on the door to the bathroom. I did not get a response. I kept hitting on the door, asking Kris to let me in the bathroom and just talk to me.

A few minutes later, the neighbor from the apartment above us knocked on the door, asking if everything was okay. I think her name was Barbra or Becky. She asked if she could come in, and where was Kris? I let her in and directed her to the bathroom where Kris was. They spoke through the door for a few minutes, I tried and gave a little space because maybe Becky could help. The only things I could pick up through the door were "just make him leave." I found this was odd, as this was also my apartment. They continued talking for a bit, and eventually, Kris let Becky into the bathroom. I waited in the living room for them to come out. Becky came out first and told me they were going to go upstairs and talk. Kris then came out and had been crying and had red eyes. They went upstairs, and I waited up for what seemed like a couple of hours when there was a knock on Becky's door asking if she could grab a few things for Kris. Becky said that Kris was going to stay the night upstairs. I wondered what was wrong and if there was anything that I could do? Which Becky responded not right now. I showed Becky where Kris kept some clothes and toiletries. I did not see Kris the next day, and when I got back from class at about 3:30 pm, only my items were in the apartment.

### **Interview with Becky Hughes**

It was about 10:45 pm, and I was getting ready for bed in my apartment bathroom when I could hear sobbing through the air vent. A short while later, about 3-5 minutes, I listened to a constant pounding loud in the apartment below me. I could kind of make out a voice saying, "let me in, what's wrong". I know Kris from the apartment below as our dogs have a weekly play date. I was concerned about what was going on, so I knocked on Kris's apartment door. It took a little bit, but Sam came to the door and said Kris locked themselves in the bathroom and was not answering me. I went to the bathroom door and attempted to talk to Kris through the door. Kris was pretty upset and was crying. I eventually got Kris to let me come into the bathroom and talk. Kris disclosed that Sam forced himself on Kris to have anal sex. Kris kept saying that I did not want this and that Kris kept pushing Sam away, and hitting his chest. Kris did not know what to do and blamed himself for what happened. I got Kris to agree to come upstairs, and we could talk in my apartment.

Upstairs we talked about options, and did Kris want to call the police or housing staff. Kris was unsure options to take, we looked up the Title IX office information online, and Kris agreed to see them the next day. Kris stayed the night at my place, and the next day Kris moved their things temporarily.

### **Questions to Consider**

- What follow-up questions do you have for Kris, Sam, or Becky?

- Based on the information provided, do you believe Sam is in violation of the Sexual Misconduct Policy?
  - Why or Why not?
  - If so, which section(s)?
- Was consent given for all sexual acts; what factors support this your determination?
- Sam suggests that the sexual encounter was consensual with Kris. What factors support this claim?