



STUDENT AFFAIRS

Office for Student Conflict Resolution
300 Turner Student Services Building, MC-306
610 E. John St.
Champaign, IL 61820

Evidence Packet for the Subcommittee on Sexual Misconduct

Date Made Available: 7/18/2020
Primary Investigator: January Boten
Secondary Investigators: Debra Imel
Respondent(s): Rory Gilmore
Incident No(s): 05555-001-2020

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Appendix A: Complainant Interview: Jess Mariano

Meeting Date: 6/4/2020

Primary Investigator: January Boten

Secondary Investigator: Debra Imel

Complainant Advisor: None [Comfortable speaking to us without advisor]

DISCLAIMER: This document is not a transcript of the interview. Although some of these notes may be verbatim, the entire document is not.

January explained the following process:

My name is January Boten, I use she/her pronouns. Would you like to introduce yourself and your advisor?

The investigators are neutral parties who are gathering information. I am serving as the primary investigator, which means my role is to facilitate our conversation today and ask questions.

Dean Imel, would you like to introduce yourself?

Dean Imel is serving as the secondary investigator, which means her role is to take notes today. Although she will primarily be taking notes during our conversation, she may have questions and equally participate in the conversation today as well. All follow up questions or concerns should come directly from you to me.

You are allowed to have one advisor. Today, the role of that advisor is to be there to support you. You can talk with your advisor in this space and you can also step out of the room to speak with your advisor. You also have the right to ask your advisor to leave at any point in time. Your advisor cannot speak directly to the investigators. [Do you have an advisor with you today? Who is that person? Are you comfortable speaking to us today without an advisor?] Your advisor can be anyone you want, or our office can connect you with the Women's resources center for a confidential advisor. Just let us know what you decide.

Our process is different from criminal process in many ways, and one way it is different is the standard of proof. We use the preponderance of the evidence standard, which means that, in order to find that a violation occurred, our committee members must conclude, on the basis of the information collected, that it is more likely than not that the violation occurred.

You have the right to decline to answer any specific question.

If I ask you a question you don't understand, or you want to know why I'm asking it, please let me know and I will rephrase or provide context.

If I ask a question and you don't know the answer, it is okay to say that you don't know.

If you think that I have misunderstood anything you say today, please tell me.

I want to get as much information as possible, so please be detailed in what you share. If I don't ask about something you think is important, please tell me.

1 *To do my job, I need accurate information, so I always remind everyone that it is important to tell the*
2 *truth and that we expect for you to be honest in everything that you tell us. That being said, if you do not*
3 *want to answer a question I ask you, that's okay; just let me know.*

4 *We have a retaliation policy, so if anyone were to do something to retaliate against you for participating*
5 *in this process, first do whatever you need to get yourself to a point of feeling safe (such as calling the*
6 *police). But then also let me know so I can take any appropriate action to follow up as well.*

7 *I may ask questions about alcohol and/or drug use. This is not because we are judging use of these*
8 *substances in this instance. The reason we ask about alcohol and drugs is to get a full picture of what*
9 *happened and, in some instances, determine if alcohol or drugs play a role in someone's ability to*
10 *consent to sexual activity.*

11 *You have the right to list witnesses for us to interview and to provide supporting information. Supporting*
12 *information could be text messages, photos, medical documentation, or anything else that would help to*
13 *show what happened during the situation we are investigating.*

14 *After the interview today, I will email you the notes from our conversation. I would ask that you review*
15 *those notes and email me back with any corrections or additions that you want to make to those notes.*
16 *Both the notes as sent to you and your response will be incorporated into our report. Do not edit the*
17 *notes document. Instead, please provide a response in a separate document.*

18 *Our next steps will be to interview the respondent and any witnesses.*

19 *Then we will put together an evidence packet for both you and the respondent to review. At that point*
20 *you will be able to give written feedback to us. If you have people you want us to interview or evidence*
21 *you want included in the evidence packet you should make sure I have that information when you*
22 *respond to these notes.*

23 *We will then write an investigative report that fairly summarizes the investigation and relevant*
24 *evidence. You will receive an electronic copy of this report and will again have the opportunity to*
25 *respond to it in writing.*

26 *We may then schedule a hearing before our subcommittee on sexual misconduct. If we do so, you will be*
27 *invited to participate in that hearing, along with the respondent and any relevant witnesses. Following*
28 *that hearing and after a thorough examination of the evidence, the report, and any written responses,*
29 *the panel will decide whether a violation of the policy occurred, and if so, what the sanctions will be. At*
30 *that hearing you and any witnesses will need to participate in cross examination in order for your*
31 *statements to be considered in the decision regarding responsibility.*

32 *Both you and the respondent will have the right to appeal the decision. The decision of the appeal*
33 *committee is final.*

34 *If at any point today you want to take a break, please just let me know.*

35 **January: Do you have any questions before we begin?**

36 **Jess:** No. But I use they/them pronouns and I want you to know that.

37 **January:** Can you start with telling me how you know Rory Gilmore?

1 Jess: Rory and I used to date. I met Rory when we lived on the same hallway in Nugent Hall.

2 **January: When did your relationship end?**

3 Jess: That is hard to say. We started spending less time together after winter break.

4 **January: I understand that you want to report something regarding Rory. Please tell me what**
5 **happened that you think I should know about.**

6 Jess: Yeah. So, on March 15, 2020, both of us came back to Nugent to pack up all of our stuff and move
7 home for the semester. By this point we had stopped talking. So, I was there with my uncle Luke
8 moving my stuff out. I was in the stairwell carrying a box of books down the stairs and Rory opened the
9 stairwell door and started yelling something and threw a glass jar down toward me. The jar hit the wall
10 and broke into a bunch of pieces and ended up cutting my face, my leg, and my arm. By the time I made
11 it down to the front desk there was blood all over me, all down the stairwell, and on my box I was
12 carrying. So, I am bleeding all over but really just wanting to leave. The front desk clerk stops me and
13 tells me that they are calling an ambulance to check me out since I am bleeding all over the place. At
14 this point I sit down on the couch across from the front desk and wait for my uncle Luke to come down,
15 but seeing a lot of your own blood is upsetting so once I fully realized what was happening I passed out
16 there on the couch in the Nugent lobby. Once I woke up, the EMTs were there and my uncle was there
17 too. They had talked and decided I needed stitches, but I didn't want to pay for an ambulance, so Luke
18 took me to urgent care to get stitched up. That is pretty much what happened.

19 **January: Do you know what Rory said to you as they threw the glass jar?**

20 Jess: I am not 100% sure, but I think it was something like "you can just go to hell" or something like
21 that. I could be wrong.

22 **January: Do you know who was working at the front desk of Nugent when you arrived there?**

23 Jess: Yeah it was Lane Kim. I knew Lane from the building, and Lane followed up with me later that
24 night.

25 **January: How did Lane follow up?**

26 Jess: Lane sent me a snap asking if I was alright.

27 **January: Did you respond to Lane?**

28 Jess: No. Lane is friends with Rory and I had honestly had enough with the drama so I just let it go.

29 **January: Can you describe each of your injuries for me?**

30 Jess: Yeah. So the worst one is on my face. I had to get six stitches across my forehead. The cut on my
31 leg is longer but they used that liquid glue, and I don't think the scar will be that bad. Also my arm was
32 cut, but that was more like a scratch and didn't cause as much blood loss. I can't believe I am going to
33 have a scar on my face for the rest of my life because of this though. That is just unreal to me.

34 **January: Do you have any idea about why Rory threw the jar at you?**

1 Jess: I do, but I don't think that is really the point, so I don't want to talk about that. It doesn't matter
2 why they did it.

3 **January: What do you think Rory will say about all of this?**

4 Jess: Rory will say that they are so sorry they hurt me and will act innocent and will try to tell you that
5 they are extremely emotionally hurt and this is my fault.

6 **January: Why do you think that?**

7 Jess: Because Rory thinks they can do no wrong, and pretty much everyone in their life backs that up.
8 Rory is used to having people swoop in and fix things when they make mistakes. Honestly, I don't think
9 Rory knows how to take accountability for anything.

10 **January: Are there any questions you want me to ask Rory?**

11 Jess: Ask Rory who they think should be paying my medical bills. Ask how they would feel if they had a
12 scar on their face from me, how they would feel about it. Ask if I have ever been violent, ever, with
13 them or with anyone else.

14 **January: Did you talk to Rory at all on March 15, 2020, prior to them throwing the jar into the
15 stairwell?**

16 Jess: Yes. I don't really want to talk about that though.

17 **January: That is fine, but I am also going to ask Rory about it.**

18 Jess: Ok, well I should just tell you then, I guess. We were both in the hallway packing up our rooms and
19 Rory said that they heard that I had hooked up with one of our mutual friends and wanted to know if it
20 was true. I said some things I am not very proud of, but I guess you will find out anyway. I said I did
21 hook up with this person and that it was nice to be with someone who didn't need to be constantly
22 taken care of all the time. I shouldn't have said that. Well, then Rory started crying and walked back
23 into their room and I walked into mine and that was it. Well, I thought it was it until they threw the jar at
24 me.

25 **January: Do you want me to put a no contact directive in place between you and Rory? This is
26 something that I can do as part of the charge letter. I would be me as a University official telling Rory
27 that they are not to make any contact with you directly or indirectly. This directive would go both
28 ways and you would not be allowed to reach out to Rory either. Is this something you want?**

29 Jess: Yes, I have no reason to interact with Rory. What is the consequence for violating a no contact
30 directive?

31 **January: Students who are accused of violating the no contact directive are sent to the subcommittee
32 on student conduct and, if they are found responsible, the most likely sanction is dismissal from the
33 university.**

34 Jess: Yeah, that is fine. I won't violate it. Put that in place.

35 **January: Is there anything else that you think that we should know?**

- 1 Jess: I don't think that there is.
- 2 **Jess's Response to the Notes:**
- 3 I don't think this is word for word what I said, but generally I think you've got it.

Appendix B: Respondent Interview: Rory Gilmore

Meeting Date: 6/22/2020

Primary Investigator: January Boten

Secondary Investigator: Debra Imel

Respondent Advisor: None [Comfortable speaking to us without advisor]

DISCLAIMER: This document is not a transcript of the interview. Although some of these notes may be verbatim, the entire document is not.

January explained the following process:

My name is January Boten, I use she/her pronouns. Would you like to introduce yourself?

Dean Imel, would you like to introduce yourself and your role?

Before we get started with the interview I would like to talk about the No Contact Directive. As a University Official I am telling you that you are not to have further contact with Jess Mariano. "Contact" includes physical contact with the other party as well as written, verbal, electronic, and third-party communications to them. Contact does not include an exercise of the right to free speech, freedom of the press, or right to assembly that is otherwise lawful. Contact does not include inadvertent contact or merely being in the physical presence of the other party in a public location but does include intentional conduct directed at the other party that a reasonable person under the circumstances would conclude is intended to intimidate or harass, whether such conduct occurs in public or in private. Do you have any questions about the NCD?

Rory: Nope, I think I've got it.

The investigators are neutral parties who are gathering information. I am serving as the primary investigator, which means my role is to facilitate our conversation today and ask questions. Dean Imel is serving as the secondary investigator, which means her role is to take notes today. Although she will primarily be taking notes during our conversation, she may have questions and equally participate in the conversation today as well. All follow up questions or concerns should come directly from you to me.

You are allowed to have one advisor. Today, the role of that advisor is to be there to support you. You can talk with your advisor in this space and you can also step out of the room to speak with your advisor. [Do you have an advisor with you today? Who is that person? Are you comfortable speaking to us today without an advisor?] You also have the right to ask your advisor to leave at any point in time. Your advisor cannot speak directly to the investigators. Your advisor can be anyone of your choosing.

Our process is different from the criminal process in many ways, and one way it is different is the standard of proof. We use the preponderance of the evidence standard, which means that, in order to find that a violation occurred, our committee members must conclude, on the basis of the information collected, that it is more likely than not that the violation occurred.

You have the right to decline to answer any specific question today.

If I ask you a question you don't understand, or you want to know why I'm asking it, please let me know and I will rephrase or provide context.

1 *If I ask a question and you don't know the answer, it is okay to say that you don't know.*

2 *If you think that I have misunderstood anything you say today, please tell me.*

3 *I want to get as much information as possible, so please be detailed in what you share. If I don't ask*
4 *about something you think is important, please tell me.*

5 *To do my job, I need accurate information, so I always remind everyone that it is important to tell the*
6 *truth and that we expect for you to be honest in everything that you tell us. That being said, if you do not*
7 *want to answer a question I ask you, that's okay; just let me know.*

8 *We have a retaliation policy, so if anyone were to do something to retaliate against you for participating*
9 *in this process, first do whatever you need to get yourself to a point of feeling safe (such as calling the*
10 *police). But then also let me know so I can take any appropriate action to follow up as well.*

11 *I may ask questions about alcohol and/or drug use. This is not because we are judging use of these*
12 *substances in this instance. The reason we ask about alcohol and drugs is to get a full picture of what*
13 *happened and, in some instances, determine if alcohol or drugs play a role in someone's ability to*
14 *consent to sexual activity.*

15 *You have the right to list witnesses for us to interview and to provide supporting information. Supporting*
16 *information could be text messages, photos, medical documentation, or anything else that would help to*
17 *show what happened during the situation we are investigating.*

18 *After the interview today, I will email you the notes from our conversation. I would ask that you review*
19 *those notes and email me back with any corrections or additions that you want to make to those notes.*
20 *Both the notes as sent to you and your response will be incorporated into our report. Do not edit the*
21 *notes document. Instead, please provide a response in a separate document. Please submit any evidence*
22 *or names of witnesses by the time you submit this response.*

23 *Our next steps will be to interview any witnesses.*

24 *Then we will put together an evidence packet for both you and the complainant to review. At that point*
25 *you will be able to give written feedback to us.*

26 *We will then write an investigative report that fairly summarizes the investigation and any evidence. You*
27 *will receive an electronic copy of this report and will again have the opportunity to respond to it in*
28 *writing.*

29 *We may then schedule a hearing before our subcommittee on sexual misconduct. If we do so, you will be*
30 *invited to participate in that hearing, along with the complainant and any relevant witnesses. Following*
31 *that hearing and after a thorough examination of the evidence, the report, and any written responses,*
32 *the panel will decide whether a violation of the policy occurred, and if so, what the sanctions will be. At*
33 *that hearing you and any witnesses will need to participate in cross examination in order for your*
34 *statements to be considered in the decision regarding responsibility.*

35 *Both you and the complainant will have the right to appeal the decision. The decision of the appeal*
36 *committee is final.*

37 *If at any point today you want to take a break, or just step out, please just let us know.*

1 **January: Do you have any questions before we begin?**

2 Rory: I don't, but please refer to me using they/them pronouns. Thank you.

3 **January: One thing that I put in place when I sent your charge letter was a no contact directive. This**
4 **means that you are not to have any contact with Jess directly or through any third parties. Jess is also**
5 **not to contact you. If someone is found to have violated a no contact directive the most likely**
6 **outcome is dismissal from the university. Do you understand?**

7 Rory: Yes, I won't contact Jess again.

8 **January: Can you start with telling me how you know Jess Mariano?**

9 Rory: Jess was someone who lived on my floor in my residence hall. At first I thought that they were
10 kind of a jerk and we didn't hang out much. But then one time we were both early for a floor meeting
11 and we were the only two people there and they joked around with me. From there we became friendly
12 with each other. It was to the point that the person I was in a relationship with from high school got
13 jealous and that person broke up with me. After that I spent more and more time with Jess. Jess lived
14 right down the hall from me. So, we were together a lot. We would usually sleep in one room together.
15 I would say it was a relationship. I felt like it was an exclusive thing. Then rumors started that Jess had
16 hooked up with Lindsey Forrester. I didn't want to talk with Jess about that, so I just started to avoid
17 them.

18 **January: Can you tell me about what happened on March 15, 2020?**

19 Rory: Yes. I was packing up my room to go home for the semester, you know because of COVID and all. I
20 had a bunch of tests that week and I hadn't been sleeping well. I was not in a very good mood. And I
21 guess as I was packing, I started to think about what had happened with Jess since it seemed like the
22 end of things since we were all moving out. I had almost everything packed and I was waiting for my
23 grandmother to pick me up when I saw this vase from some flowers Jess had given me. Actually, it
24 wasn't a real vase, it was a spaghetti jar. Anyway, I was going to go and put it in the recycling, and I
25 heard Jess yelling in the stairwell. I don't know what came over me. I have never felt quite like this, but
26 I opened the door and looked down the stairs and saw Jess there. The tears just started streaming
27 down my face. I was so upset. I dropped the jar and ran back to my room. I closed the door and I just
28 cried and cried. I felt so sad about everything with Jess. But I knew my grandmother would be arriving
29 soon, so I tried to get myself together. I knew she would not understand any of this and I for sure didn't
30 want to talk about it with her. So, I tried to just move on and keep packing, but I kept my room door
31 shut and didn't leave again until my grandmother arrived.

32 **January: When you say you dropped the jar, what do you mean?**

33 Rory: I mean, I had the jar in my hands and then I didn't.

34 **January: Jess said that they were hit by the jar. Can you tell me how that happened?**

35 Rory: I don't really know. I didn't stick around. I really was in tears.

36 **January: Did you throw the jar at Jess?**

37 Rory: I don't think that I did.

1 **January: According to Jess, and a witness, Jess was injured. Jess had cuts on their face, arm and leg.**
2 **How do you believe that happened?**

3 Rory: I don't know. I didn't see it hit Jess. I left.

4 **January: Also, the hall staff said that there was blood all through the stairwell, and down the hall**
5 **leading to where Jess eventually stopped to sit on a couch across from the front desk. Can you tell me**
6 **how you think that happened?**

7 Rory: I don't know. I stayed in my room. I didn't want to deal with this.

8 **January: Did you hear Jess say anything in the stairwell?**

9 Rory: I heard yelling, but I don't remember any words exactly.

10 **January: Jess told us that you two had a conversation that same day, before the incident in the**
11 **stairwell. Can you tell me about that?**

12 Rory: I can, but I was really emotional. So I had seen Jess at breakfast and we had been avoiding each
13 other for a few weeks at that point, but that day they smiled at me from across the dining hall. We
14 didn't interact other than that at breakfast. But it kind of made me mad that Jess thought that they
15 could smile at me, and things would be fine again. So when I got back to Nugent I went to Jess' room to
16 ask what that was all about, and it didn't go very well. I know that I said I was upset, and Jess said some
17 hurtful things to me, attacking my character. I left Jess' room upset but I needed to pack so I just went to
18 my room and started putting my things into boxes so I would be ready to go when my grandmother
19 arrived. As I said before, this whole thing happened when I intended to put that glass jar that I had been
20 using as a vase in the recycling.

21 **Rory's response to the notes:**

22 Dear Dean Boten,

23 I would like to add that I feel bad that Jess was hurt. That was never anything I intended to do. Reading
24 the notes back and thinking about blood being all over Nugent made me think about it and just feel sad.

25 Respectfully,

26 Rory Gilmore

27

Appendix C: Witness Interview: Lane Kim

Meeting Date: 6/7/2020

Primary Investigator: January Boten

Secondary Investigator: Debra Imel

(January explains role of a witness)

DISCLAIMER: This document is not a transcript of the interview. Although some of these notes may be verbatim, the entire document is not.

January: Do you have any questions before we get started?

Lane: No.

January: Can you start by telling me how you know Rory Gilmore?

Lane: Rory and I have been friends pretty much our entire lives. We both live in the same small town. We didn't go to high school together, they went away to school, to IMSA, but we still were friends and would hang out when Rory would come home for breaks. This year Rory lived in Nugent and I worked at the Nugent front desk. I lived in Snyder though.

January: How do you know Jess Mariano?

Lane: I don't really know Jess very well. Sometimes if I was in the dining hall at the same time as Jess and Rory we would all eat together. Jess is not very friendly, so even though I would see Jess in Nugent sometimes we didn't really talk with each other unless Rory was around. And that was more of me and Rory talking and Jess just being there.

January: Can you tell me about what happened on March 15, 2020?

Lane: I was working at the Nugent front desk. A lot people were moving their things out because they weren't coming back after spring break due to COVID. So, I saw Rory because Rory usually comes down and talks to me for a while whenever I am working. So Rory sat on the couch and we just chatted about how weird it was to be going home half way through the semester. Then Rory got a text that their grandmother was on their way, so Rory headed upstairs to continue packing. About an hour after that I heard yelling coming from the stairwell, and then Jess came down. Jess was bleeding from several places. There was blood all down the hallway. Jess finally made it to the couches across from me and sat down. I offered to get a first aid kit, and Jess took some gauze and held it to stop some of the bleeding. I asked if I should call an ambulance and Jess said not to because they didn't want to get exposed to COVID at the hospital. Given how much blood was there I went ahead and called 911 anyway. Also Jess said that their uncle, Luke was almost here. So, Jess waited about 15 more minutes. While Jess was waiting, I called a BSW, a Building Service Worker, to come and clean up the blood. I probably should have taken a photo of that, but there was just a lot going on that day. Jess' uncle and the EMTs walked into Nugent at the same time. Once Jess' uncle arrived, Jess just left. I assume they went to the hospital because Jess didn't even take the one box they had. Jess just left it in the lobby of

1 Nugent. They didn't say anything to me when they left. Later, maybe like 30 minutes later, Rory came
2 down to see me again. Rory's face was all puffy, like they had been crying, but Rory didn't say anything
3 was wrong. I asked if there was something wrong and Rory just said that things are hard right now and
4 didn't elaborate more than that. Rory asked about when I was leaving to go back to our hometown and
5 told me to tell my mother hello. That was about it that day.

6 **January: Did you follow up with Jess about this incident?**

7 Lane: I sent a snap asking if they were okay, but I never heard back.

8 **January: Did Rory ever tell you about what happened on March 15, 2020?**

9 Lane: Well, once we were at home we met up at a coffee shop one day and Rory told me that Jess said
10 some awful things about how hard Rory was to date stuff like that. Rory told me that they could hear
11 Jess in the stairwell and Rory went in there to say one last thing and some how the glass that they had in
12 their hand flew out and Jess started yelling so Rory went back to their room. I didn't know Rory was
13 involved with why Jess was bleeding until after we were both home for the semester.

14 **January: What do you mean by saying Rory was involved?**

15 Lane: Just that Rory was in the stairwell with Jess when Jess was injured.

16 **January: Would you say that Rory was responsible for Jess' injuries?**

17 Lane: No, I wouldn't say that. I would say there was an accident and Jess got hurt. Rory is not the kind of
18 person to hurt someone on purpose.

19 **January: Is there anything else you think we should know?**

20 Lane: Rory is a good person. Always been a great friend to me.

21 **Lane's Response to the notes:**

22 Hello!

23 I don't have anything else to add.

24 Lane Kim

To Whom It May Concern:

Rory Gilmore asked me to write this letter due to knowing them since they were a sophomore in High School. I was Rory's Language Arts teacher all throughout their high school years. Rory was an exemplary student for all of the years of their high school career and I am confident Rory gives much more to your University than they get. You are lucky to have a student like Rory attending your university. Rory has not told me the details of this specific situation, but I am confident that Rory was not the instigator in any situation. Rory takes their studies extremely seriously, cares about others, works hard in all things that they choose to take on.

For example, when Rory worked on the high school newspaper, Rory took on each story they were assigned with the seriousness of a seasoned journalist. When our school had a speech contest that was broadcast live on C-SPAN Rory was the clear winner. Rory was on the award winning debate team. It is hard to think of a more accomplished young person.

Please take what Rory has to say to you seriously. I am sure that there is an explanation for whatever this situation is that has Rory involved with your office in the first place. If there is anything that I can do to help with your investigation, please let me know, I am happy to help and get to the bottom of what I am sure is a misunderstanding by the other party involved.

Please take the best of care in these dangerous times.

Max Medina



STUDENT AFFAIRS

Office for Student Conflict Resolution
300 Turner Student Services Building, MC-306
610 E. John St.
Champaign, IL 61820

Date of Report: August 18, 2020
Primary Investigator: January Boten
Secondary Investigators: Debra Imel
Respondent(s): Rory Gilmore
Incident No(s): 05555-001-2020

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SUMMARY OF INVESTIGATION

Involved Parties

Complainant: **Jess Mariano**

- June 4, 2010: Intake meeting with investigators, requested no contact directive
- June 4, 2020: Notified of charge notice/no contact being sent
- June 4, 2020: Emailed statement for review
- June 4, 2020: Replied to statement review
- July 18, 2020: Emailed noticed that Evidence Packet was available for review
- July 19, 2020: Submitted response to the evidence packet

Respondent: **Rory Gilmore**

- June 4, 2020: emailed charge letter with no contact directive
- June 22, 2020: Met with investigators
- June 23, 2020: Emailed statement for review
- July 1, 2020: Replied to statement review
- July 18, 2020: Emailed noticed that Evidence Packet was available for review
- July 20, 2020: Submitted response to the evidence packet

Witness: **Lane Kim**

- June 4, 2020: Sent witness request email
- June 7, 2020: Met with investigators
- June 7, 2020: Sent statement for review
- June 9, 2020: Responded to statement review

Date of Reported Incident

March 15, 2020

Reports Received From

Complainant

History of Investigation

On June 4, 2020 Jess Mariano met with Dean Boten and Dean Imel to report that Rory Gilmore violated the student code. At that meeting Mariano was told that that a charge letter would be sent out later that day with a no contact directive included in it. Also that same day Mariano was sent the notes from the conversation with the investigators. That same day Mariano responded to the notes.

On June 4, 2020 Rory Gilmore was emailed a charge letter with a no contact directive with Jess Mariano. Also on June 4, 2020 Lane Kim was sent a witness request email.

On June 7, 2020 Lane Kim met with Dean Boten and Dean Imel. Kim was sent their statement that same day.

On June 9, 2020 Kim responded to their notes.

On June 22, 2020 Rory Gilmore met with Dean Boten and Dean Imel.

On June 23, 2020 Gilmore was sent their statement for review.

On July 1, 2020 Gilmore responded to the notes from their meeting with the investigators.

On July 18, 2020 Mariano and Gilmore were notified that the evidence packet was available for review in BOX.

On July 19, 2020 Marion submitted a response to the evidence packet.

Only July 20, 2020 Gilmore submitted a response to the evidence packet.

Alleged Violations

For Rory Gilmore

Violation charge statement from original charge letter:

It is alleged that on March 15, 2020 you threw a glass jar at Jess Mariano, a student with whom you had been in a dating relationship, thereby cutting their face, leg, and arm and causing them to get stitches.

The investigation looked into possible violations of the following provisions of the Student Code:

1-302(a) Conduct that threatens the health or safety of any person, including but not limited to:

- (1) causing bodily harm to an individual
- (2) making physical contact of an insulting or provoking nature with an individual
- (3) reckless disregard for the health or safety of any person
- (4) any threat or physically threatening behavior which creates a reasonable fear for a person's safety

1-302(b) Conduct that violates the University's sexual misconduct policy, including:

- (5) domestic violence, as defined in § 1-111 (f) (8)

Domestic Violence includes felony or misdemeanor crimes of violence committed by: (A) a current or former spouse or intimate partner of the alleged victim; (B) a person with whom the alleged victim shares a child in common; (C) a person who is cohabitating with, or has cohabitated with, the alleged victim as a spouse or intimate partner; (D) a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the State of Illinois; or (E) any other person against an alleged adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

- (7) Title IX sexual harassment, as defined in as defined in § 1-111 (f) (3)

Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: (A) Quid Pro Quo Sexual Harassment: conduct (1) by an employee of the University, which (2) conditions the provision of an aid, benefit, or service of the University, on (3) an individual's participation in unwelcome sexual conduct; or (B) Hostile Environment Sexual Harassment: (1) unwelcome conduct that (2) a reasonable person would determine to be so (3) severe, (4) pervasive, and (5) objectively offensive that (6) it effectively denies a person equal access to the University's education program or activity; or (C) Sexual Assault; or (C) Stalking; or (D) Dating Violence; or (E) Domestic Violence.

Standard of Proof

In order to determine that a student has violated the Student Code, the university uses the preponderance of the evidence standard. In other words, the decision-maker must determine, based on an examination of the available and relevant evidence, that it is more likely than not that the alleged behavior occurred.

INCIDENT NARRATIVE

Both parties agree that on March 15, 2020 Rory Gilmore and Jess Mariano talked to each other and that Gilmore left the conversation crying (Appendices A and B).

Mariano says that they were walking down the stairs in Nugent Hall, moving boxes out, when Gilmore threw a glass jar at them, cutting them on the leg, face, and arm. (Appendix A)

Gilmore says that, as they were walking to recycle a jar, they could hear Mariano in the stairwell. Gilmore started crying and then went to the stairwell. Gilmore says they then dropped the glass jar. (Appendix B)

Witness Lane Kim said that Gilmore told her that the jar flew out of Gilmore's hand. (Appendix C)

Kim said that there was blood all the way down the hallway and that Mariano was bleeding in several places when Mariano sat on the couches across from the Nugent front desk. Kim gave a first aid kit to Mariano and offered to call an ambulance. (Appendix C)

Mariano said that they received six stitches across the forehead, that the cut on their leg was put together with liquid glue, and that they also had a cut on their arm. (Appendix A)

Jess Mariano's Response to the Evidence Packet

I want to point out that on page 4 in my statement I said I was carrying a box of books down the stairs. This is not really an activity that requires someone to say anything. Especially since at this point I was by myself. It might have been confusing the way I initially said this. My uncle had not gotten to campus yet at this point.

I am stunned that Rory can't even say they threw the jar at me. I thought they would deflect and say they did it, but it was somehow my fault. I did not expect them to just deny the truth of what happened. Wow. There is no mistaking it, Rory chucked a glass object as hard as possible and it cut me and it is going to scar my face for the rest of my life. I am floored by the lack of accountability this person has for themselves.

Rory Gilmore's response to the evidence packet

Dear Dean Boten-

I think that it is clear from Jess' statement that they know they hurt me deeply by sleeping with our mutual friend and the shame that Jess had about even talking about that is evidence that I am not the only one to blame for this situation we are all in now. I was extremely distraught the day of this incident and I cannot say that this was all my fault. I think the way Jess doesn't even want to tell you what we talked about earlier that day shows that Jess knew they were in the wrong for at least some of what happened.

Additionally, I think that Lane talks about the kind of person I am. Everyone who knows me knows that I would never hurt someone intentionally. This is a huge misunderstanding because of what Jess did to hurt me. I never would wish harm on anyone but if Jess would have just acted like a decent human being none of us would be dealing with this right now. I am sure Lane agrees with that as well.

Jess Mariano's Response to the Investigative Report

Dear Members of the Committee-

I think that it is pretty clear from this report that Rory Gilmore is responsible for injuring me and permanently scarring me. On my face. I think it is also evident that Rory takes no responsibility for injuring me, even though the flimsy excuses made do not explain how this happened any other way than Rory's rage making it happen. That rage is no excuse to physically injure someone. When I read Lane Kim's description of the blood all down the hallway, the memory of that all came back to me. In the moment I couldn't really wrap my mind around it fully. During the middle of this national crisis someone had to be called in to clean up a gigantic mess of my blood. That is awful that had to happen and it is clear that it is Rory's fault and Rory should be found in violation of all of the charges.

Thanks-

Jess Mariano

Rory Gilmore's response to the Investigative report

Dear Dean Boten-

I do not think this report is fair to me. It makes it look like what happened was my fault. It does not address the fact that Jess made me upset or the fact that I never did anything to intentionally hurt Jess. I want to speak to the specific charges outlined here.

- (1) causing bodily harm to an individual: I didn't purposely harm anyone.
- (2) making physical contact of an insulting or provoking nature with an individual: I did not touch Jess or make physical contact with them at all.
- (3) reckless disregard for the health or safety of any person: I did not have reckless disregard. There was an accident. Reckless disregard implies that I just don't care. That is not the case. There was an accident.
- (4) any threat or physically threatening behavior which creates a reasonable fear for a person's safety: I absolutely was not threatening anyone or doing anything to make anyone be afraid.

- (1) dating violence as defined in Section 1-111 (c) (7) Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of relationship, the type of relationship, and the frequency of the interaction of the persons involved in the relationship.

How can I be accused of dating violence when we weren't even dating?? That is clear from Jess' actions that I was not being considered anymore. How am I responsible for a relationship when that "relationship" was not even respected by Jess. That is just crazy.

Sanctioning document from Jess Mariano

Dear Committee-

I understand if you are seeing this, that Rory has been found in violation of the student code. That gives me some comfort in this horrible situation. I believe that Rory should be required to complete anger management. Rory thinks of themselves as this totally in control person, but clearly you can see that it is not the case. Rory needs to learn some skills for better dealing with their emotions. Additionally, I believe that Rory should be dismissed from the university for 3 years. After that time, I will have graduated. I don't think that I should have to worry about running into Rory in the future on campus and this 3 year dismissal would allow me to do just that. The scars from this incident will fade, but they will always be with me. Please do not feed into Rory's personal view that they can do no wrong. Send a strong message to Rory to never do anything like this again.

Thank you-

Jess Mariano

Title IX Hearing Script

1. **Welcome:** “This is a Subcommittee on Sexual Misconduct hearing for (*Respondent's name*). My name is _____, I’m a faculty/staff voting member, and I am the chair of today’s panel. Please note that this hearing is being audio recorded. This is the only recording of the proceeding that is permitted and will remain the sole property of the university. The recording may be reviewed later upon request.”
2. **Introductions:** “We will now do introductions.”
 - a. “(*Respondent*), will you please state your name and introduce your advisor?”
 - b. “(*Complainant*), will you please state your name and introduce your advisor?”
 - a. “Will the committee please introduce themselves by name and role?” (You will prompt each committee member, then any OSCR staff, one at a time.)
3. **Order of hearing:** “I will briefly describe the order of today’s proceeding.”
 - a. “First, the Investigator will have an opportunity to make a statement regarding the investigation, after which we may ask questions.”
 - b. “Second, we will ask (*Complainant*) to make an opening statement regarding the incident, and we will then ask questions”
 - c. “Third, we will ask (*Respondent*) to make an opening statement regarding the incident, and we will then ask them questions.”
 - d. “Fourth, the panel will invite any witnesses to provide testimony individually, and we will all ask questions of witnesses.”
 - e. “Fifth, after witnesses are excused, the panel will have an open questioning period where they may ask the Respondent, the Complainant, and the Investigator any final questions.”
 - f. “Sixth, the complainant’s advisor will have a final opportunity to cross-examine the respondent, and the respondent’s advisor will have a final opportunity to cross-examine the complainant.”
 - g. “Finally, we will invite you both to make a brief closing comment before we deliberate. The complainant will go first and the respondent last.”
 - h. “The panel will deliberate in closed session to find facts and to determine whether any section of the Student Code has been violated.”
 - i. “You both will be invited back to the meeting, and if the panel finds a violation, we will hear from the complainant regarding impact, review any disciplinary history or other materials relevant to sanctioning, and hear any final comments from the respondent.”
 - j. “The panel will enter their last deliberation and you will both receive email notification of our decision within five business days.”
 - k. “If, at any time during the proceeding, you believe you need to take a brief break, please let me know. Provided the number of requests is not disruptive to the orderly conduct of the hearing, I will try to accommodate.”
 - l. “(*Respondent*), do you have any questions?”
 - m. “(*Complainant*), do you have any questions?”
4. **Investigator Statement:** “(*Investigator*), would you like to make a statement regarding the investigation?” (Then questions from panel; questions from the complainant’s advisor: “You may now question the investigator, but please understand that I may instruct the investigator not to respond to a question if it has already been answered or is irrelevant.”; questions from the respondent’s advisor with the same instruction)
5. **Complainant Testimony:** “(*Complainant*), you may now make a statement regarding the incident(s). Please limit your comments to no more than 10 minutes.” (Questions from panel; questions from the respondent’s advisor: “You may now question the complainant, but please understand that I may instruct the complainant not to respond to a question if it has already been answered or is irrelevant.”)
6. **Respondent Testimony:** “(*Respondent*), you may now make a statement regarding the incident(s). Please limit your comments to no more than 10 minutes.” (Questions from panel; questions from the complainant’s advisor: “You may now

question the respondent, but please understand that I may instruct the respondent not to respond to a question if it has already been answered or is irrelevant.”)

7. **Witness testimony:** “Welcome and thank you for attending today’s hearing. Could you please state your name for the record? [After introduction]: With the understanding that we have reviewed the notes from any interviews you had with the investigators, do you have any additional information you would like to share that would be relevant to our case today? If not, we can move immediately to questioning.”
 - a. “Does the panel have any questions for this witness?”
 - b. “(Complainant’s advisor), you may now question the witness, but please understand that I may instruct the witness not to respond to a question if it has already been answered or is irrelevant.”
 - c. “(Respondent’s advisor), you may now question the witness, but please understand that I may instruct the witness not to respond to a question if it has already been answered or is irrelevant.”
8. **Questions from the Panel:** “Does the committee have any remaining questions for the Respondent, the Complainant, or the Investigator?”
9. **Final Cross-Examination**
 - a. “(Complainant’s advisor), you now have a final opportunity to cross-examine the respondent. As before, I may instruct the respondent not to respond to a question if it has already been answered or is irrelevant.”
 - b. “(Respondent’s advisor), you now have a final opportunity to cross-examine the complainant. As before, I may instruct the complainant not to respond to a question if it has already been answered or is irrelevant.”
10. **Concluding Comment from the Parties:** “In a moment, the committee will enter into closed deliberation to determine the facts and whether the respondent is responsible for any Code violations. Each of you may now make a closing comment regarding the allegations if you wish. Please know that, if there is a finding of responsibility, each of you may afterwards participate in further proceedings on possible sanctions.”
 - a. “(Complainant), would you like to make a closing comment about the allegations?”
 - b. “(Respondent), would you like to make a closing comment about the allegations?”
 - c. “We will now enter into closed deliberation. The meeting host will move you both to the waiting room.”
11. **First Deliberation** to determine facts and violations of the Code.
12. **Reconvening** for notification of the decision.
 - a. “Welcome back. The committee has deliberated and decided upon the following finding of fact and responsibility determinations, which the Dean will now read.”
 - b. *If student has been found not in violation for all allegations, inform the parties that they will receive written notification of this decision within five business days. Then adjourn the hearing.*
13. **Complainant Impact Statement**
 - a. “(Complainant), would you like to make any comments about the impact of the respondent’s behavior on you?”
 - b. “Does the panel have any questions for (Complainant)?”
 - c. “Thank you, (Complainant). You will receive written notification of our decision from the Dean within five business days. You are now excused from the hearing.”
14. **Sanctioning Phase for the Respondent**
 - a. “(Respondent), after finding you responsible, the dean provided us with information regarding your prior disciplinary history and access to the relevant sanctioning materials. Would you like to share any information or make any final comments before the committee determines your sanction?”
 - b. “Does the panel have any questions?”
 - c. “Thank you. We will now enter into closed deliberation to determine sanctions. You will receive written notification of our decision within five business days. You are now excused from the meeting.”
15. **Second Deliberation** to determine sanctions.
16. **Adjourn**