

Case Study #1

Statement of Fact:

On August 1, 2019, you fondled the complainant's breast without her consent. Specifically, you reached under the complainant's shirt, grabbed her breast and forcefully squeezed it once before removing your hand and asking if she wanted to go to your room.

On the basis of this finding, the Subcommittee determined that you violated the following sections of the Student Code:

Student Code/1-302.b.1 as defined by § 1-111(c)(2)(b)

Rationale:

The subcommittee provided the following rationale for the above decisions:

In determining the above statement of fact and responsibility, we relied on the respondent and complainant's statements and electronic correspondence. In general, the statements made by the respondent and complainant are consistent with one another.

Although there are minor differences between each person's statements, both agree that there was kissing that was mutually acceptable. Both also agree that there was a pause after the initial kissing before the respondent began kissing the complainant again more forcefully and that when he did so, he reached under her shirt and fondled her breast. Both parties also made statements that at that point, the complainant was not actively participating; the complainant stated "she froze" and the respondent stated that "she was just kind of sitting there, so I tried a little bit more before stopping to ask if she wanted to go to my room." The respondent also texted, "u didn't seem to know what to do" and "I was just trying to spice things up, u were a cold fish," to the complainant after the incident. Both also stated that there had been no verbal question related to consent prior to the respondent asking the complainant if she wanted to go to his room, which she declined, supporting the complainant's statement about a lack of consent.

Phase II Information

No prior disciplinary history, two character statements portray the respondent as a mature and trustworthy individual who made a mistake and has learned from it, desired outcome statement from the complainant requests you dismiss the respondent given the impact it's had on her.

Aggravating/Mitigating Factor(s):

Formal Sanction:

Educational Sanction(s):

Rational for your decisions:

Case Study #2

Statement of Fact:

On August 15, 2019, you texted a naked picture of the complainant to five other individuals without his consent.

On the basis of this finding, the Subcommittee determined that you violated the following sections of the Student Code:

Student Code/1-302.b.3 as defined by § 1-111(c)(4)

Rationale:

The subcommittee provided the following rationale for the above decisions:

In determining the above statement of fact and responsibility, we relied on the respondent and complainant's statements, witness statements, a police report, and electronic correspondence.

The complainant and the respondent both agree that they were in a dating relationship at the time of the incident and that the complainant had shared a nude picture of himself with the respondent, upon her request. The complainant stated that he never authorized her or anyone else to share the picture. The respondent had texted, "Come on, just for me," prior to the complainant sending the picture.

The respondent admitted to investigators and police that she told her friends about the picture, but stated that she did not share the picture. The picture was sent via text message to that group of individuals the same day, from the respondent's phone. Three of the five individuals who received the picture participated in the investigation as witnesses and stated that the respondent stated that she could "show them how hot her boyfriend was," prior to texting them the picture, corroborating the complainant's narrative that the respondent is the one who sent the picture. The witnesses also stated that they saw the respondent text the picture while she was with them. While the respondent stated that she didn't know how the picture was sent from her phone, the respondent stated that she kept her phone with her, that it had a passcode, and she had not shared that passcode with her friends.

Phase II Information

Disciplinary history: Placed on Conduct Probation for a theft and violence related incident [Spring 2019], three character statements submitted portray the respondent as an ethical role model to peers who could not have done what they are accused of doing, desired outcome statement from the complainant requests you not dismiss the respondent.

Aggravating/Mitigating Factor(s):

Formal Sanction:

Educational Sanction(s):

Rational for your decisions: