

## **Title IX Investigative Report for Case 20171360**

Prepared by Connie Gardner, Title IX Investigator for Pacific Lutheran University

Initial Report Completed: Thursday, May 24, 2018

Final Report completed: Tuesday, June 5, 2018

### **INTRODUCTION**

This report addresses alleged violations of the 2017-2018 Student Code of Conduct, Sexual Misconduct policy (Sexual Misconduct: Non-Consensual Sexual Intercourse, Sexual Misconduct: Non-Consensual Sexual Contact and Disruption of University Community) at Pacific Lutheran University. The Respondent in this case is charged with:

- Sexual Misconduct: Non-Consensual Sexual Intercourse
- Sexual Misconduct: Non-Consensual Sexual Contact
- Disruption of University Community

Under the supervision of the Title IX Coordinator at Pacific Lutheran University (PLU), case 20171360 is investigated by Connie Gardner, serving in the Title IX Investigator role.

### **INVOLVED PARTIES**

The Complainant is a female Senior student at PLU, currently living in an on-campus residence hall, and was living in the same hall at the time of the incident. This report will refer to the Complainant with feminine pronouns (she/her/hers).

The Respondent is a male First-year student at PLU, currently living in an on-campus residence hall, and was living in the same hall at the time of the incident. This report will refer to the Respondent with masculine pronouns (he/him/his).

### **WITNESSES**

There are 6 witnesses in this Investigative Report, outlined below. All witnesses were interviewed for the initial report, but not all witnesses supplied written narratives, explained below:

Witness 1 is a female Senior student at PLU, currently living in an on-campus residence hall, and is considered a friend with the Complainant. Witness 1 was asked by the Complainant to submit a narrative, included in this report, and was asked by the Investigator to be interviewed. This report will refer to Witness 1 with feminine pronouns (she/her/hers).

Witness 2 is a male Sophomore student at PLU, currently living in an on-campus residence hall, and is considered a friend with the Complainant. Witness 2 was asked by the Complainant to submit a narrative, but Witness 2 did not submit a narrative. However, Witness 2 was asked to be interviewed by the investigator. This report will refer to Witness 2 with masculine pronouns (he/him/his).

Witness 3 is a female Senior student at PLU, currently living in an on-campus residence hall, and is considered a friend with the Complainant. Witness 3 was asked by the Complainant to submit a narrative, included in this report, and was asked by the Investigator to be interviewed. This report will refer to Witness 3 with feminine pronouns (she/her/hers).

Witness 4 is female Junior student at PLU, currently living off-campus, and was in a previous relationship with the Respondent. Witness 4 was asked by the Respondent to submit a narrative, included in this report, and was asked by the Investigator to be interviewed. This report will refer to Witness 4 with feminine pronouns (she/her/hers).

Witness 5 is a male First-year student at PLU, currently living in an on-campus residence hall, and was the roommate and friend of the Respondent. Witness 5 was NOT asked to be a witness by the Respondent, but was asked to be interviewed by the Investigator. This report will refer to Witness 5 with masculine pronouns (he/him/his).

Witness 6 is a female Junior student at PLU, currently living off-campus, and is considered an acquaintance to the Respondent. Witness 6 was asked by the Respondent to submit a narrative, but Witness 6 declined to do so; however, the Investigator asked for an interview, which Witness 6 completed with the Investigator. This report will refer to Witness 6 with feminine pronouns (she/her/hers).

## **BACKGROUND**

On Monday, March 12, Director of Student Rights and Responsibilities received an email from Head Football Coach Brant McAdams, stating that one of the football students disclosed to a coach that one of the football student's friends was sexually assaulted recently. McAdams gave Gardner the name of the football student. On Wednesday, March 14, Gardner emailed the football student and asked for a meeting for more details. Gardner and the football student met on Monday, March 19, 2018. The football player gave Gardner the name of his friend, and Gardner reached out to the friend (the Complainant) on Monday, March 19, 2018. Gardner and the Complainant made plans to meet on Thursday, March 22, 2018, but the meeting was rescheduled due to a scheduling conflict for Tuesday, April 3, 2018.

Gardner, the Complainant, and Dawn Cuthbertson, the Gender Based Violence Advocate met on Tuesday, April 3. The Complainant did not give much information, but stated she did not want to go through any formal process at the moment. Gardner talked through all options with the Complainant, and the Complainant said she would keep Gardner informed.

Gardner and the Complainant met again on Friday, April 20 as the Complainant requested a No Contact Order between herself and the Respondent, in addition to a No Contact Order between herself and the current dating partner of the Respondent.

Gardner met with the Respondent on Monday, April 23, and met with the Respondent's current dating partner on Monday, April 23 to talk through the No Contact Order. The No Contact Orders were officially distributed on Wednesday, April 25, 2018 to all parties involved.

On Friday, May 11, 2018 SRR Coordinator Simone Smith received an email from the Complainant saying that she would like to start an investigation. The Complainant included a brief narrative of the incident, which was turned into an Incident Report.

On Monday, May 14, 2018, Smith emailed the Respondent, and on Tuesday, May 15 at 11:00am, Smith met with the Respondent and the assigned support person, Luke Ruiz, to talk through the Charge Letter and the Investigative process. The Respondent is charged with:

- Sexual Misconduct: Non-Consensual Sexual Intercourse: any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another regardless of gender, without consent.
- Sexual Misconduct: Non-Consensual Sexual Contact: any intentional touching, however slight, with any object, by a person upon another regardless of gender, without consent.
- Disruption of University Community: Individuals who directly or indirectly demand unreasonable access to university resources or disrupt community business by denying others the ability to live, learn and work in an environment that PLU seeks to maintain for all community members may be found responsible for disrupting university community.

#### **STANDARD OF PROOF**

In cases of an alleged sexual misconduct violation, the standard of proof for Pacific Lutheran University is based on the Preponderance of Evidence Standard. The Review Officers for each case will make a determination of "responsible," "not responsible," or "inconclusive" for each alleged violation. This standard requires that the information supporting a finding of responsible be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in a policy violation of sexual misconduct unless it is "more likely than not" based on the information provided, that a violation did occur. (From the Pacific Lutheran University Code of Conduct).

#### **DEFINITION OF CONSENT**

Pacific Lutheran University, from the 2017-2018 Student Code of Conduct, defines consent in the following way: Consent is permission explicitly granted by an individual who is physically and mentally capable of providing it. It is the responsibility of the person who wants to engage in Sexual Activity to ensure that they have the valid consent of the other to engage in the activity. PLU further defines Consent to include the following:

- Consent is informed, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create clear and mutually understandable permission regarding the conditions of sexual activity.

- Consent to one form of Sexual Activity cannot imply Consent to other forms of Sexual Activity, even within the same intimate situation. Previous relationships or Consent cannot imply Consent to future Sexual Activity.
- Consent cannot be procured by use of force, threats, intimidating behavior, or coercion.
- Some individuals are unable to give Consent by reason of Incapacity or Physical Helplessness. It is a violation of this policy to engage in Sexual Activity with someone you know to be, or should have known to be, Incapacitated or Physically Helpless.

## SYNOPSIS

From the interviews, narratives, and documentation provided by the Complainant, Respondent, and the witnesses, the following synopsis is a summary of the background, information, and events for the incident that all parties expressed in a similar manner.

- The Complainant and the Respondent met for the first time in mid-February 2018
- The Complainant and the Respondent met at Old Main Market (OMM), with the Respondent asking the Complainant about scuba diving
- The Complainant and the Respondent talked for a little bit, and exchanged SnapChat user names
  - The Respondent left OMM, telling the Complainant that they should hang out sometime
- Throughout the next few days, the Complainant and the Respondent talked via SnapChat
- On February 27<sup>th</sup>, the Complainant and the Respondent agreed to hang out together
- The Respondent went to the Columbia Center to meet the Complainant after the Complainant's ballet class
- The Complainant and the Respondent ended up going to Pflueger Hall, to the Respondent's room (3:46pm swipe into Pflueger by the Respondent – see Appendix 8)
- Inside the room, the Respondent unfolded the futon so that it laid flat, and took blankets and pillows from his lofted bed and placed them on the futon
- The Respondent put on a movie, and both the Complainant and the Respondent laid on the futon
- The Complainant and the Respondent started cuddling, which was mutual
- The cuddling turned into kissing which was mutually initiated, and the kissing turned into touching
- The Complainant touched the Respondent's penis at one point before intercourse
- At some point the Complainant and the Respondent had a conversation about the Complainant being a virgin, with the Complainant expressing that sex was a meaningful thing to her
- The Respondent asked the Complainant if she was on birth control; the Complainant said no
- The Respondent left the futon, walked across his room to his dresser, and got a condom from the top drawer
- The Complainant and the Respondent had vaginal sex
  - The Complainant felt pain and the Respondent could see her discomfort
- The Complainant and the Respondent stopped having vaginal sex
- The Respondent proposed to have anal sex, and the Complainant and the Respondent started having anal sex

- The sexual activities ended
- The Complainant and the Respondent talked a bit more in the Respondent's room
- The Complainant and the Respondent left the room to walk the Complainant back to her residence hall
- The Complainant and the Respondent said goodbye to each other and hugged outside of Kreidler Hall.
- The Complainant went into the residence hall (7:13pm swipe into Kreidler by the Complainant – see Appendix 8)
- The Complainant talked to her friends about the situation, Witness 1, Witness 2, and Witness 3.
  - The Complainant ended up going to the hospital the following day for Sexual Assault Examination (See Appendix 4).
- The Complainant messaged the Respondent a day or two after they hung out and asked to talk about what happened
  - The Complainant and the Respondent did not meet up or talk about what happened
- The Complainant and the Respondent exchanged a few additional SnapChats
- The Respondent started dating Witness 4 in the beginning of April
- Witness 2 and Witness 6 were friends, and Witness 6 was friends with Witness 4.
  - Witness 2 connected with Witness 4 on Instagram, and had a conversation about Witness 4 dating the Respondent on April 17, 2018 (See supplemental documentation submitted by Witness 4, Appendix 6).
- Witness 4 had a meeting with the Complainant to talk through the Complainant's experience with the Respondent (Witness 4's current boyfriend) on April 19, 2018
- Witness 4 talked with the Respondent about the conversation she had with the Complainant, and almost broke up with the Respondent
- The Complainant saw that the Respondent and Witness 4 had removed her from SnapChat, and decided to get a No Contact Order between them both
- The No Contact Order went into effect on April 25, 2018 between the Complainant and the Respondent, and the Complainant and Witness 4.

#### **AREAS OF DISCREPANCY BETWEEN COMPLAINANT AND RESPONDENT**

- When the Complainant and Respondent hung out on February 27<sup>th</sup>
  - **The Complainant** said that the Complainant and the Respondent met at the Columbia Center, went to Old Main Market to get some food and eat before going to Pflueger Hall. The Complainant says that her class ended at 3:15pm (Complainant narrative, Appendix 2)
  - **The Respondent** said that the Complainant and the Respondent met at the Columbia Center and went to Pflueger Hall.
- Once in the residence hall room, the specifics of what happened
  - **The Complainant** says that the Respondent immediately shut the blinds and offered to charge the Complainant's telephone

- **The Respondent** says that the Complainant was cold, so the Respondent offered to let the Complainant borrow his sweatshirt
- Once cuddling started to happen:
  - **The Complainant** says she thought things could escalate quickly, and so she told the Respondent that she was a virgin, that she liked to take things slow, and that she did not engage in casual sex
  - **The Respondent** says that the Complainant was into the cuddling and showed no signs of being uncomfortable, verbally or physically
- The cuddling turned into touching and caressing
  - **The Complainant** says that the Respondent started touching her under her clothing, and she verbally said "I am not comfortable with this," but the Respondent's behavior did not stop
    - **The Complainant** says that the Respondent "proceeded to go through the motions of sex while we were still both clothed" (Complainant narrative, Appendix 2).
    - **The Complainant** says at some point after that and before the Respondent got a condom, the Respondent removed his own clothes, and "he pulled my leggings down as far as he could on his own and asked me to do the rest" (Complainant narrative, Appendix 2).
  - **The Respondent** says that while things progressed physically, he felt that the Complainant's body language showed a "desire to continue to engage in this type of activity" (Respondent narrative, Appendix 3).
    - **The Respondent** says that he removed his own clothing, and that the Complainant removed her own clothing
- The Complainant and the Respondent had a conversation about the Complainant being a virgin
  - **The Complainant** believes this conversation happened before any touching occurred, and it seemed like the Respondent "respected" that fact
  - **The Respondent** believes this conversation happened while we went up to get a condom, and both parties agreed to have sex
- The Complainant touched the Respondent's penis
  - **The Complainant** says that the Respondent took the Complainant's hand and put it on his penis, which the Complainant immediately removed
  - **The Respondent** said that he took the Complainant's hand and put it on his penis, and that the Complainant slowly moved her hand up and down on it
- While the Respondent went to get a condom
  - **The Complainant** says as the Respondent started to put the condom on, she verbalized to the Respondent that she did not want to do this. The Respondent told the Complainant that "he could make me happy" (Complainant narrative, Appendix 2).
  - **The Respondent** says that while he was getting a condom, the Complainant asked "what would you do if I said I was a Virgin" (Respondent narrative, Appendix 3). The

Respondent said that he told the Complainant that she had every right not to have sex with him, and after talking for a bit, the Complainant verbally agreed to have sex.

- **The Respondent** says that after the Complainant agreed to sex, he went back to get the condom, and while he was getting a condom, the Complainant removed all of her clothes by herself. The Respondent then removed his clothes.
- The Complainant and the Respondent had vaginal sex
  - **The Complainant** says it hurt, and she verbally expressed her pain, and told the Respondent that he was hurting her.
    - **The Complainant** says the Respondent responded to her pain by “shushing me, telling me that if we just got past the first part it would get better, and telling me to focus on kissing him and my breathing” (Complainant narrative, Appendix 2).
  - **The Respondent** says he noticed the Complainant showing signs of discomfort, and so he removed his penis from her vagina and asked if she was ok.
    - **The Respondent** says that the Complainant told him how bad she was hurting, and the Respondent understood at that point that they would not have vaginal sex anymore
- The Complainant and the Respondent had anal sex
  - **The Complainant** says the Respondent told her that they could try something different, and they engaged in anal sex, which also hurt the Complainant
  - **The Respondent** says he proposed anal sex to the Complainant, she agreed to it, and they engaged in anal sex
- The sexual activities ended
  - **The Complainant** says the Respondent wanted to try a different position, but the Complainant said “no,” and the Respondent stopped, stood up, and put his clothes back on.
  - **The Respondent** says that during anal sex the Complainant told him to stop, so the Respondent removed himself from her without orgasming.
- The Complainant and the Respondent stayed on the futon and talked
  - **The Complainant** says she and the Respondent put their clothes on, went to the bathroom, and when she came back to the room she sat at the edge of the futon
    - **The Complainant** says the Respondent put his head in her lap, and they continued to talk
  - **The Respondent** says while they cuddled on the futon, the Complainant brought up the potential of a relationship with the Respondent, to which the Respondent said he did not want to be in a relationship with the Complainant
- The Complainant and the Respondent left Pflueger to walk the Complainant back to her residence hall
  - **The Complainant** says that the Respondent received a text message from his roommate, Witness 5, saying that Witness 5 was coming back to the room. The Respondent said

- that the Complainant should leave, and the Complainant asked the Respondent to walk her back to her residence hall.
- **The Respondent** says that he thought the Complainant had a place to be, so they left Pflueger and walked to Kreidler together. The Complainant gave the Respondent back his sweatshirt before leaving the room.
  - The Complainant and the Respondent messaged back and forth after their time together
    - **The Complainant** says that the day after, she messaged the Respondent to ask to meet, as she wanted to confront the Respondent
      - **The Complainant** says that the Respondent asked if she was ok, which she replied that she was not, and asked to meet in person. The Respondent responded by saying he was busy, and told the Complainant “sorry if he said or did anything wrong” (Complainant narrative, Appendix 2).
    - **The Respondent** says he received a message from the Complainant and that she wanted to talk about the two of them
      - **The Respondent** told the Complainant there was nothing to talk about, and that he hoped they could be friends. The Complainant said she did not want the Respondent to be “mad at her,” (Respondent narrative, Appendix 3), and that she would like to be friends with the Respondent.
  - Consent for the sexual act
    - **The Complainant** says that she told the Respondent that she did not want to have sex early on during the time they were hanging out. The Complainant says that she had a conversation with the Respondent about being a virgin and how sex is a serious thing for her.
    - **The Respondent** believes that the Complainant was into the cuddling, kissing, touching, and sex because of her “positive vibes” and body language (Respondent Interviews). The Respondent says the Complainant and him did have a conversation about the Complainant being a virgin, but said that the Complainant “verbally agreed” to having sex with him.
  - Body Language
    - **The Complainant** believes her body language showed that she did not want to have sex, and said at times she would stop kissing the Respondent or pull back from him because “it got to be a lot for me.” The Complainant said that the sexual activities hurt her, and that she was wincing out loud and showing discomfort, which the Respondent did not do “anything to alleviate that.” The Complainant also says that during intercourse, she was just “laying there” (Complainant Follow-Up Interview Summary).
    - **The Respondent** said that the Complainant was “never pulling away or pushing me” (Respondent Follow-Up Interview Summary), and that the Complainant never expressed that she was uncomfortable with any of the actions. The Respondent said that the Complainant removed her own clothes, and that she was laying on the futon when they started having sex. The Respondent says he was not aggressive, and was going slowly because he knew the Complainant was a virgin. The Respondent says that during sex,



the Complainant's body moved in "direct reciprocation" of physical contact, and that during sex he thought from the Complainant there "was an attempt to potentially enjoy what was going on" (Respondent Follow-Up Interview Summary).

- **Verbal Agreements**
  - **The Complainant** says that the Respondent never asked her if any of the actions and contact were ok, and that she never "verbally agreed" to having any type of sex. The Complainant says that she verbally expressed she was not comfortable with the Respondent touching her, and it seemed like the Respondent did not react to that, which caused the Complainant to be "angry, sad, hurt, kind of shut down, I was shocked" (Complainant Follow-Up Interview Summary).
  - **The Respondent** says that the Complainant "verbally agreed" to all touching and sexual intercourse, and that the Complainant never verbalized that she was uncomfortable or that she wanted the activity to stop, other than the end during anal sex, in which the Respondent then did stop.

## **SUMMARY OF INITIAL INTERVIEWS**

### **Complainant Initial Interview Summary – Wednesday, May 16, 2018 1:45pm**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Complainant  
Dawn Cuthbertson, Gender Based Violence Advocate and Support Person for Complainant

#### **Interview Summary:**

The Complainant and the Respondent met outside of Old Main Market (OMM). The Respondent was with a couple other girls, talking about the scuba diving class that the Respondent was in. The Respondent looked over at the Complainant and "struck up a conversation" with the Complainant, asking her if she had ever taken that class. Neither the Complainant nor the Respondent knew each other, so they introduced themselves to each other. The Complainant said they just talked about things like their majors, and the Complainant perceived this conversation as "not uncomfortable." The Respondent asked the Complainant for her Snapchat information, which the Complainant gave to the Respondent. The Respondent told the Complainant that they should hang out sometime, in which the Complainant was not sure what that meant exactly. The Respondent was at OMM with his roommate.

For the next couple of days and over the weekend, the Complainant and the Respondent talked through SnapChat. The Complainant said the conversation was never sexual, the Respondent never asked for photos or sent her photos of himself. The general conversation was about how their days went and their classes. The Respondent did compliment the Complainant over SnapChat, saying things like she was "very pretty," "sweet," and "funny," but the Complainant said there wasn't any flirting throughout their SnapChat conversations.

The Respondent suggested that the Complainant and he hang out, and suggested that they go swimming together at the PLU pool, where the Respondent swims laps. The Complainant did not feel comfortable doing so, so she did not do that.

The Complainant said eventually they both found time in their schedules to hang out, and on February 27, both agreed to hang out. The Respondent offered the suggestions of going to Starbucks, watching a movie, or taking a nap together, in which they decided they would see what happens, and potentially do all of the options.

The Respondent finished his classes earlier in the day, and the Complainant had ballet until 3:15pm, so it was decided that the Respondent would meet the Complainant in the Columbia Center after her ballet class. The Complainant saw the Respondent as she came out of the classroom, and they hugged. The Complainant asked the Respondent how his day was going, and the Respondent replied by saying "it's going better now that we were together."

The Respondent asked the Complainant if it was ok for them to go to OMM before going back to the Respondent's room, as the Respondent wanted some food. The Complainant and the Respondent both got snacks and the Complainant had tea, and both sat outside of OMM and talked for a while, saying it was a "normal, first date conversation." The Complainant said she talked about her hobbies, and then headed back to the Respondent's room.

Once they got to the Respondent's room in Pflueger, the Respondent folded down the futon in the room and grabbed a pillow and blanket from his lofted bed across the room, and put it on the futon. The Respondent put a movie on, and both the Complainant and the Respondent laid on the futon and talked some more.

The Complainant said pretty quickly they started mutual cuddling, which the Complainant said was "fine as long as his hands were on my back or on my stomach or we were holding hands." Soon the Complainant and the Respondent started kissing.

The Complainant said she made it verbally clear to the Respondent early on while they were in the Respondent's room that the Complainant does not engage in casual sex, that she takes dating seriously, that she wants a relationship, and that she prefers that things are taken very slowly. According to the Complainant, the Respondent "acknowledged this and communicated respect for this through his words." The Complainant felt like the Respondent listened to her words, and that the Respondent was ok with her words, and that the Respondent did not want a relationship himself.

The Complainant said that the actions following did not demonstrate this respect from the Respondent. The Complainant said as they were kissing, the Respondent started touching the Complainant's hips, thighs and butt. The Respondent then put his hands under the Complainant's camisole, and put his hands underneath her leggings to touch her butt. The Complainant said that she was uncomfortable with this, but that the Respondent did not stop or acknowledge the Complainant's statement.

The Complainant said at that point, the Respondent started "fingering my vagina and anus," and "proceeded to go through the motions of sex while we were still clothed." The Respondent started taking off his clothes, and told the Complainant to take her shirt off. The Respondent "pulled my leggings down as far as he could."

The Complainant says things started to get blurry here.

The Respondent took the Complainant's hand, and touched her hand to his penis. The Complainant moved her hand away. The Respondent got up, went to his dresser drawer, and took out a condom. At that point, the Complainant again said that she did not want to have sex and that she was uncomfortable. The Complainant says that telling the Respondent that she was uncomfortable was really hard for her to do, and that even if her voice did not sound "firm or commanding," it was the best that the Complainant could do. The Complainant started to feel upset and shocked that the Respondent wasn't listening to her.

The Respondent told the Complainant that she "was probably just anxious, but reassured me that he could calm me down, make me happy, and that we would have a good time together."

The Complainant and the Respondent "had vaginal sex," and the Complainant said it hurt really badly, and said that she was wincing and crying out in pain. The Complainant told the Respondent "you're hurting me," in which the Respondent "shushed" the Complainant, told the Complainant to focus on her breathing, and to focus on kissing the Respondent. The Respondent said that after they got through the first part it would get better, but the Complainant said it did not get better.

The Respondent suggested to the Complainant that they could have anal sex as an alternative. The Complainant said this also hurt, and the Complainant asked the Respondent to be gentle. The Respondent again suggested that they switch positions, and the Complainant said no. The Respondent then stopped.

At this point, both the Complainant and the Respondent went to the bathroom and put their clothes back on. The Complainant said the Respondent was talking less than before during this time. Shortly after this point, the Respondent's roommate (Witness 5) texted the Respondent to say that he was returning to the room after Cross Country practice. The Respondent suggested that the Complainant leave. The Complainant said this felt rude, so she asked the Respondent to walk her back to her residence hall room.

During the walk back to the residence hall, the conversation was around the Respondent asking the Complainant if she was afraid of walking alone at night. The Complainant said she used to be, but was more comfortable with it now. The Respondent and the Complainant did not touch during the walk, but hugged before the Complainant entered her residence hall.

Once at the residence hall, the Complainant walked through the front door and her friend, Witness 1, was working the Front Desk of the Residence Hall. The Complainant stopped to talk to Witness 1 about her afternoon with the Respondent. The Complainant told Witness 1 that she "had sex and didn't want to." Witness 1 was "shocked and upset," as Witness 1 knew the Complainant well.

Shortly after that, the Complainant ran into Witness 2 in the hall. Witness 2 asked the Complainant what was wrong, and asked if it was "about a guy, asked if we had slept with each other, and after I didn't respond, asked if I had been sexually assaulted." The Complainant said that she "might have been."

The Complainant also reached out to her friend via text message, Witness 3, who she knew was knowledgeable about PLU processes and "what constitutes assault," and resources on campus. Witness 3 agreed to meet with the Complainant, and the Complainant met Witness 3 in Witness 3's room. Witness 3 suggested to the Complainant that she should go to the Center for Gender Equity and meet with a Victim's Advocate.

Later in the same evening, Witness 1 and Witness 2 talked to the Complainant and suggested to the Complainant that she should report this incident to the police or to Campus Safety. The Complainant said she was still "hesitant about doing that because I was afraid about being taken seriously, I wasn't even sure what had happened, I was still kind of in shock."

Later that same evening, the Respondent SnapChatted the Complainant saying "Hope you have a good night."

The next morning, the Complainant went to the PLU Health Center as soon as she could. The Complainant did not say why she wanted an appointment, and they took her back into a room. A Nurse Practitioner came into the room, and the Complainant said that she thought she had been sexually assaulted. The Complainant said she was crying at this time.

The Nurse Practitioner called over to the Center for Gender Equity and asked for an Advocate to come to the room. The Advocate was not available, and so the Interim Director of the Center for Gender Equity came over to the Health Center, talked through options with the Complainant, and told the Complainant that PLU could not perform forensic exams. The Complainant decided that she wanted to go to the hospital, and so the Interim Director drove the Complainant to the Emergency Room.

At the Emergency Room, the Complainant was given Plan B, had blood drawn for STD testing, and waited for a SANE nurse. The SANE nurse completed the SANE exam, and interviewed the Complainant about what happened. The hospital "feared" the Complainant had an ovarian torsion or a cyst burst, due to the cramping pain, and had ultrasounds throughout the day. The Complainant said she experienced side effects from all the medication she had to take, and was "emotionally exhausted."

The Complainant returned back to PLU in the evening, and that night, she reached out to the Respondent and asked the Respondent if he would talk to her. The Complainant wanted to "express to

him how I felt, gauge whether it was an honest mistake or a premeditated act, and see if I could handle the situation on my own.”

The Respondent responded to the message by asking the Complainant if she was ok. The Complainant responded with a no. The Respondent asked the Complainant why she wanted to talk in person, and the Respondent said he was busy for the next several days. The Complainant said since this, she saw the Respondent twice on campus. They both smiled and waved at each other during that time, but neither approached each other.

In March, the Complainant said they exchanged a few SnapChats.

In early April, several of the Complainant’s friends talked with the Complainant about seeing the Respondent holding hands with another girl (Witness 4), and thought that the Respondent had a girlfriend.

The Complainant did not know this was happening, but later learned that Witness 2 reached out to Witness 4 via Instagram. Witness 2 told Witness 4 to be careful, and that Witness 2 knew someone that was “sexually assaulted” by the Respondent, whom Witness 4 was seen with. Witness 2 gave Witness 4 the contact information of the Complainant, with the thought that Witness 4 could gain more information herself about the Respondent.

The Complainant expressed her hesitation with this to Witness 2, as she thought if the Respondent knew about the situation and how the Complainant felt about the situation, that the Complainant would then start to fear for her safety. Witness 2 still gave Witness 4 the contact information of the Complainant.

Witness 4 reached out to the Complainant and asked if they could meet. The Complainant offered that they could meet in the Complainant’s room, and Witness 4 came to the Complainant’s room to meet. Witness 4 asked to hear the story, and was “visibly upset.” The Complainant felt that Witness 4 “questioned part of my story in invalidating ways, asked me why I hadn’t screamed, and told me people wouldn’t believe me because I’ve waited so long.”

At the end of the conversation, Witness 4 said that she believed the Complainant, and that “she didn’t want to date a rapist.” Witness 4 said that at that moment, she was going to go with her friend and break up with the Respondent now.

The Complainant wished Witness 4 luck, and told Witness 4 to let the Complainant know if she needed anything. The Complainant did not hear anything for several hours, and so she messaged Witness 4 and asked if Witness 4 was ok. The Complainant then realized that both Witness 4 and the Respondent had blocked the Complainant.

The Complainant was upset by this, and took that action to mean that Witness 4 had told the Respondent everything that the Complainant said. The Complainant felt unsafe, and went to talk to her

RA about the situation. The Complainant feared that there would be some retaliation, and she so wanted safety measures to be put into place immediately.

The RA contacted Campus Safety, who asked the Complainant for the "name of my perpetrator," so that Campus Safety could monitor card swipe access and monitor the video cameras around the building. The Complainant also met with the Residence Director of her residence hall to talk through the No Contact Order, and asked that the information be passed on to the CA's that do walkthroughs in the building.

Over that weekend, the Complainant left campus until the No Contact Orders were put into place. Since the No Contact Orders were put into place, the Complainant said she has seen Witness 4 three times on campus, and has seen the Respondent once on campus, which she describes as "incredibly disruptive."

**Investigator Comments:**

The Complainant arrived for the interview with typed notes, and seemed prepared to tell her story. The Complainant's voice was shaking throughout the interview, and teared up on occasion as she was telling her narrative. The Complainant had good recollection of the events that occurred, and I could tell that these had a huge impact on her. The Complainant seemed to have appropriate responses of someone who has gone through a traumatic event; based on this interview, the Complainant seems very credible and accurate in her statements.

**Respondent Initial Interview Summary – Thursday, May 17, 2018, 9:00am**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Respondent

**Interview Summary:**

The Respondent states that he first met the Respondent at Old Main Market (OMM). The Respondent was talking to a couple of his friends about scuba diving, and saw the Complainant making eye contact with him. The Respondent thought the Complainant might be interested in scuba diving, and so he started to talk with the Complainant about the topic. The Respondent said that he is a social person, so he started talking about the scuba diving class at PLU with the Complainant. The Respondent thought the Complainant "seemed like a pretty cool person," and so he asked the Complainant for her SnapChat information, and they exchanged their SnapChats with each other.

The Complainant and the Respondent had conversations with each other over SnapChat for about two weeks before they figured out when they could meet up in person to hang out. During this time, the Respondent said the conversations were casual and cannot remember specifically what they both talked about. The Respondent said he believes he started the conversation on wanting to hang out, started by making a joke about napping.

The Respondent states that at the end of February, the Respondent met the Complainant in the Columbia Center after her class, which got out around 3:30pm. The Respondent remembers giving the Complainant a hug and asking how her class went. The Complainant and the Respondent went back to the Respondent's room and were "hanging out." The Respondent says that he does not deny having sexual intercourse with the Complainant, but the Respondent does deny the "false accusations she may have in there."

The Respondent said that the Complainant and the Respondent went to his room, and his roommate was not in the room. The door was "unlocked from the inside," and the Respondent felt like he treated the Complainant with respect.

The Respondent does remember once they were in his room, the Complainant said she was cold, and so the Respondent let the Complainant borrow a sweatshirt to wear. The Respondent believes there was some conversation, but cannot remember specifically what they talked about.

The Respondent noticed that the Complainant seemed shy, but seemed like she wanted to be in the room.

The Complainant and the Respondent sat down on the futon in the room to watch Netflix. Before hanging out, the Respondent said that he talked to the Complainant about being tired, and so they had planned to take a nap together. The Respondent and the Complainant were laying down on the futon, cuddling and kissing. The Respondent said he was "getting only positive vibes from her," saying that the Complainant moved in closer when he put his arm around her and things like that. The Respondent states that he could tell the Complainant was ok with it because she was coming closer to him, and wasn't "pushing me away or pushing herself away."

The Respondent said the cuddling moved on to "fondling," and said that the Complainant was "on board with anything. She didn't show any signs of discomfort or that she was in a bad place, and she was kissing me back and moving her hands on me in sensual ways."

When they moved onto "sexual intercourse," the Respondent asked the Complainant if she was on birth control. The Complainant said that she was not. The Respondent said that when he and the Complainant were talking about moving onto sexual intercourse, the Complainant said "what if I told you I were a virgin?" The Respondent said that if the Complainant was a virgin, she would have every right to not engage in sexual activity if she would like to hold on to that. However, the Respondent said that he did not mind the Complainant being a virgin, and the Complainant did not seem to mind either. The Respondent got up off the futon and said he was going to get a condom. The Respondent went to his

dresser drawer to get a condom, and said the Complainant "did not stop me, did not say 'no I do not want to do this.'"

While the Respondent was up getting a condom, he said that the Complainant removed her clothes on her own, and when the Respondent got back to the futon, he took his clothes off himself. The Respondent noticed that the Complainant was not wearing any underwear, and was wearing leggings because she just had been at dance class. The Respondent said "the door was not locked from the inside. If she felt uncomfortable, she was in every way, shape and form able to get up and leave, but she did not." The Respondent said that they proceeded with sexual intercourse. The Respondent said he took into account it being the Complainant's first time and tried to be slow and gentle.

The Respondent said that during vaginal intercourse, the Complainant did show "signs of discomfort," but did not say stop, which is when the Respondent stopped and suggested that they try something else. The Complainant agreed, and so they tried anal sex. The Respondent said that the Complainant showed less signs of discomfort, and continued to kiss the Respondent.

The Respondent said that at no time during the interaction did he hold the Complainant down, force himself onto the Complainant, or have the Complainant push him away.

The Respondent said after finishing "the consensual intercourse that we both just executed," the Complainant and the Respondent continued to cuddle on the futon. The Respondent said the Complainant was not in any rush to put her clothing on, and that she "leaned her head back on me or cuddle with me or look at me any differently than she was previously." At that time, the Complainant started talking to the Respondent about "a future relationship between us." The Respondent said that the Complainant was hoping the sex wouldn't be a "one time thing," and that the Complainant was a virgin.

The Respondent told the Complainant that he had a lot on his plate with ROTC and being a freshman, and that he didn't want to be in a relationship. The Respondent said that he commissions as an officer May 27, 2021, and told the Complainant about the internship he did this past J-term with the US Marshall Service, in which he was extensively investigated by the Department of Justice for this internship, as he was given complete access to the US District Courthouse. The Respondent told the Complainant that he wanted to be in law enforcement someday, just like his father. The Complainant expressed how "awesome" it was that the Respondent had these aspirations. The Respondent was talking to the Complainant about this because being in a relationship with a military person is a very "sacrificial thing," and so it is hard to find the right girl willing to do that for a relationship. The Respondent did not think being in a relationship with the Complainant would work for him. According to the Respondent, the Complainant agreed to this.

The Respondent said that the original plan was to take a nap, and so they had set an alarm because the Complainant had somewhere to be at a set time. The Respondent cannot remember what time they set the alarm for, but said this was when they got up. The Complainant gave the Respondent back his sweatshirt, and they both walked back to the Complainant's residence hall together.



The Respondent said that he and the Complainant talked the whole walk back to the residence hall. The Respondent said they stopped outside the door of the residence hall, he gave the Complainant a hug, told the Complainant to have a good night. The Complainant responded with a "thank you, you have a good night too," and she went into the hall.

The Respondent says that the entire night was "all on good terms." The Respondent said that the Complainant never said that she was uncomfortable about anything, and that the Complainant verbally expressed to the Respondent that she had a good night.

The Respondent said that a bit after their time together, the Complainant messaged the Respondent on SnapChat and said "we should sit down and talk," to which the Respondent replied "talk about how I don't want a relationship?" The Complainant said something to the effect of "I don't want you to be mad at me." The Respondent responded by saying there was no reason for him to be mad at the Complainant, and that they had a good time together. The Respondent told the Complainant through SnapChat that he thinks they could still be friends, in which the Complainant responded with "I'd like that."

The Respondent states that all communication was through SnapChat, which he was not able to save.

The Respondent said that was the last interaction he had with the Complainant. About a month and a half after the hang out, the Complainant had SnapChatted the Respondent that said that she made a lot of cookies and baked goods, and invited him over to have some. The Respondent believed that he was on his way to class, and declined the offer.

A couple of weeks after the SnapChat, the Respondent said that he started talking to a girl, Witness 4. The Respondent and Witness 4 became "Facebook official" that they were in a relationship.

Soon after this, the Respondent heard from Witness 4 that Witness 4's friend, Witness 6, was talking to Witness 2. Witness 2 was talking to Witness 6 about the Respondent. Witness 4 heard about this, and texted Witness 2 herself, stating "hey, I saw that you were talking to my best friend about my boyfriend. You want to tell me what's going on?" Witness 2 apparently told Witness 4 things like "you should make sure your boyfriend is who he really says he is," and "you should ask your boyfriend if the Respondent has raped anybody."

Witness 4 sent the text exchange to the Respondent. The Respondent could not believe that someone could say that. The Respondent had no idea what was going on.

Witness 4 reached out to the Complainant at that point to ask if they could talk. The Complainant invited Witness 4 into the Complainant's room. Witness 4 brought her best friend, Witness 6 with her to meet with the Complainant. The Complainant said that she wanted Witness 6 to wait outside, which she did.

Witness 4 and the Complainant talked for about an hour. Witness 4 told the Respondent that the Complainant asked Witness 4 how long Witness 4 and the Respondent have been in a relationship, and the Complainant told Witness 4 what happened between the Complainant and the Respondent. Witness

4 told the Respondent that the Complainant used the word "rape," and the Complainant went to the PLU Health Center the day after the alleged incident. According to what Witness 4 told the Respondent, the Complainant was brought to the hospital, and was given a "take home rape kit," which the Complainant told Witness 4 that the Complainant has not used yet.

After the meeting between the Complainant and Witness 4, Witness 4 went back to the Respondent. For a short amount of time, Witness 4 did not tell the Respondent who was saying these things about him, which the Respondent said "was upsetting me," because these allegations are "kind of a big deal, especially for someone in my position with ROTC and future law enforcement aspirations, that's a huge deal."

Witness 4 finally told the Respondent the name of the Complainant. Upon knowing it, the Respondent said he responded by saying "who?" and had to look up the name to help him remember. The Respondent said that it had been a good night, and that the Complainant expressed that she had a good time with the Respondent, and expressed that she wanted to be in a relationship with the Respondent. The Respondent declined being in a relationship with the Complainant, and it did not make sense to the Respondent that the Complainant had these allegations against him.

Witness 4 almost broke up with the Respondent at that time, but the Respondent was able to sit down and talk through everything with Witness 4. The Respondent said that the Complainant was also reaching out to Witness 4 saying that the Complainant was there for Witness 4, and for Witness 4 to let the Complainant know if she needed anything.

Witness 4 did not break up with the Respondent, and the relationship between Witness 4 and the Respondent stayed Facebook official. The Respondent said then the No Contact Order was put into place, which he thought was very weird.

The Respondent said that he thought this was the end, and that he was not "too sure what's going on, but if she feels uncomfortable around me for any reason, she does have every right to say that." The Respondent said it just felt odd because the last interaction he had with the Complainant was the Complainant offering the Respondent cookies.

The Respondent said that approximately 10 days after he changed his Facebook status to being in a relationship, he was talked to about a No Contact Order. The Respondent was confused by this because he said that the last interaction he had with the Complainant was her inviting him over for cookies.

The Respondent believes that the interaction between him and the Complainant was "two adults engaging in sexual intercourse." The Respondent said that he believes the Complainant is being "vindictive" because he did not want to be in a relationship with the Complainant. However, the No Contact Order was put into place once the Respondent was in a relationship with another person.

The Respondent said that he comes from a law enforcement family, and so when people use words like "rape" and talk about going to the hospital, the Respondent knows what can happen from those accusations.

The Respondent said that he felt bad, as he can see the “stigma of the college boy that wants to get some,” and that it was not his goal at all. The Respondent said that he did not see a future with the Complainant, and that he has a right to choose who he wants to be in his life.

The Respondent also acknowledged that he has a lot going on, and that he has a long family history of the military and being in law enforcement, and therefore, he always has his goals in his mind, and he’s in complete control of pursuing his goals.

**Investigator Comments:**

The Respondent arrived at the interview with a notebook, and used it to take sporadic notes throughout the interview. The Respondent was alone, and spoke very confidently anytime a question was asked. He was polite in his demeanor, and spoke fast, and was able to articulate his narrative very well. When the Respondent could not remember details, he was honest about them, and he was very adamant about the Investigator knowing that he treated the Complainant with respect. The Respondent answered each question openly, and there was no evidence that the Respondent was lying about anything in his narrative. The Respondent kept talking about his career goals and aspirations, which demonstrated that the Respondent has a lot to lose, and he did not want to lose these goals. Overall, the Investigator found the Respondent a credible source during this interview.

**Witness 1 Initial Interview Summary – Monday, May 21, 2018 2:00pm**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 1

**Interview Summary:**

Witness 1 has known the Complainant for approximately 2 years, and considers herself a close friend of the Complainant, in which they “tell each other almost anything.” Witness 1 has never met the Respondent.

Witness 1 said that she first heard about the Respondent a few minutes after the Respondent and the Complainant met for the first time at Old Main Market (OMM). Witness 1 saw the Complainant sitting outside of OMM on the barstools, and went up to the Complainant. The Complainant told Witness 1 “the weirdest thing just happened. This one guy just came up to me and started talking to me.” The Complainant said the guy was “kind of cute,” but young. Witness 1 said it seemed like the Complainant was a little shocked that someone would just walk up to her and start talking to her, and said the conversation between the Complainant and the Respondent was easy and not awkward, which the Complainant was surprised by.

Witness 1 works at the front desk of Kreidler Hall, and usually the Complainant will come and hang out with Witness 1 during those shifts. On one day, the Complainant did not come to hang out during Witness 1's desk shift, which Witness 1 thought was a little weird.

Later that day, the Complainant walked into the residence hall, and Witness 1 said there was a look of "terror" on the Complainant's face. Witness 1 asked if the Complainant was having a bad day, and tried to talk to the Complainant generally. The Complainant said "I can't talk about it," which caused Witness 1 to worry, as the Complainant usually talks to Witness 1 about most things.

Witness 1 believed that the Complainant sensed how worried Witness 1 was, and so the Complainant said "I had sex." Witness 1 could not believe it, as it was so uncharacteristic of the Complainant. Witness 1 was confused on who it could be, as the Complainant does not have many male friends. The Complainant told Witness 1 that the Respondent had walked her back to the residence hall, and at that point in the conversation with Witness 1, the Complainant started to cry. The Complainant told Witness 1 that "it was painful, she said no multiple times, her body language was very closed off, and she kept on saying, when she first got there, she just stated explicitly 'I don't want to have sex, I'm waiting for marriage, I'm waiting for the right person, it takes me a while to be comfortable with someone.'"

Witness 1 said in previous conversations with the Complainant, that the Complainant had said she would even wait a year to have sex with someone she was dating. Witness 1 said that this is because the Complainant has a lot of low self-esteem about her own body image, and that it feeds into her depression, anxiety, and eating disorders. Witness 1 said that that Complainant is not comfortable being naked in front of anyone.

The Complainant told Witness 1 that the Respondent kept saying things like "you're so pretty," "I'm so lucky to be with someone like you right now," and "it's so hot being with an older woman" to the Complainant, potentially as a way to boost the Complainant's confidence. The Complainant told Witness 1 that she thought the compliments from the Respondent were nice at first.

The day that the Complainant and the Respondent hung out, the Complainant told Witness 1 that she did not expect any of this to happen. Witness 1 said it was during the middle of the day, that the Complainant thought the roommate was coming back to the room, and Witness 1 said it just didn't make sense that any sexual contact would happen at that time.

The Complainant told Witness 1 that she went over to the Respondent's room the day of the incident, and the Respondent kept giving the Complainant compliments. The Complainant and the Respondent started kissing, which Witness 1 believed that the Complainant was ok with. The Respondent then took off the Complainant's pants. Witness 1 felt like the Complainant was really scared during this time, and didn't think she could push the Respondent off. Witness 1 remembers the Complainant telling her that the Complainant said "no, stop, ouch, you're hurting me." Witness 1 says the Complainant and the Respondent first tried vaginal sex, but the Complainant was in a lot of pain and was bleeding. The Respondent then said they could try anal sex, and the Complainant told Witness 1 that anal sex was even more painful. Witness 1 believed that the Complainant made it clear with her language and the subtle body language that the Complainant did not want to have sex with the Respondent.

The Complainant did not use the word "rape" with Witness 1 until the Complainant started talking to Witness 2, another friend of Witness 1 and the Complainant. Witness 2 apparently asked the Complainant what was wrong, and was able to guess that the Complainant had sex.

Witness 1, Witness 2, and the Complainant talked in Witness 1's room until late, and after hearing what happened, Witness 2 said that "this is rape," and started encouraging the Complainant to make a report. The Complainant said no, and seemed very shaken up. Witness 1 was surprised that the Complainant did not cry through it, but thought that the Complainant was in so much shock that she did not have the ability to cry. The Complainant could not seem to grasp what had happened. According to Witness 1, the Complainant thought it wasn't fair that a person she only knew for two days took her virginity.

According to Witness 1, the Complainant did not want to call the police because she was afraid of what the Respondent could do. The Complainant told Witness 1 that the Respondent is in ROTC, and that the Respondent's father is a police officer, which could cause the Complainant problems.

Witness 1 reassured the Complainant that she does not need to act on anything right now, and that the Complainant should just take care of herself. Witness 1 said that she felt better once Witness 2 also knew about the situation, and that Witness 2 was a strong advocate for doing something to report the situation. Witness 1 agreed that she would report if she were in the Complainant's situation, but that it's ok for the Complainant to take some time and think it through, and told the Complainant to not let Witness 2 pressure her into doing something.

Every night after the initial incident, the Complainant would come into Witness 1's room and just cry. Witness 1 said this was really hard, and that it was hard for her to respond to the Complainant because she didn't know how to respond or what to do. Witness 1 said that the Complainant found out that the Respondent had been sexually harassing other girls, but the Complainant did not know this before hanging out with him. The Complainant thought maybe she should report the incident because she did not want anything else to happen to anyone else.

The Complainant went to the Center for Gender Equity the day after the alleged incident, and told Witness 1 that they took her to the hospital to do a rape kit, and that it was helpful. The Complainant also went to talk to the Title IX Coordinator with Witness 3, in which the Complainant seemed to get the impression that it was too late to report the incident. However, according to Witness 1, the Complainant had been struggling so much with the weight of this alleged incident, and something needed to be done.

Witness 1 also knows that the Complainant met with Witness 4, who was the Respondent's current girlfriend. Witness 1 knows that Witness 2 and Witness 6 were friends, and that Witness 6 is friends with Witness 4. Witness 4 and Witness 2 talked, and Witness 2 told Witness 4 something like "oh, you're dating that guy?" referencing the Respondent. Witness 4 wanted more information on what Witness 2 was talking about, so Witness 2 gave Witness 4 the Complainant's SnapChat information.

Witness 1 said that the Complainant felt really uncomfortable talking to Witness 4, especially because Witness 4 was the girlfriend of the Respondent. Witness 4 and the Complainant still did meet, and the Complainant told Witness 4 to not tell anyone else about the conversation that they had. The

Complainant told Witness 1 that the conversation between the Complainant and Witness 4 was "awkward and uncomfortable," but said overall it was a helpful conversation.

Witness 1 said that the Complainant did not expect Witness 4 or the Respondent to block the Complainant on SnapChat after that conversation. The evening of the conversation between the Complainant and Witness 4, the Complainant was hanging out with Witness 1 and another friend when the Complainant saw that the arrow on SnapChat was grey, meaning the Respondent and Witness 4 "blocked" the Complainant. The Complainant got upset, and felt like this meant that Witness 4 talked to the Respondent about the conversation, which made the Complainant scared for her safety.

Witness 1 reassured the Complainant that she was safe, but the Complainant talked to her CA, and called Campus Safety to talk through extra safety precautions. The Complainant then put a No Contact Order in place, which Witness 1 said has put more limitations on the Complainant than on the Respondent. Witness 1 said that the Complainant has had a "poor time with how the school has been handling the situation," and that the Complainant's depression, anxiety, and eating disorder has gotten worse because of this. Witness 1 believes the Complainant was not prepared for how all of this has happened, and that it has been hard on the Complainant to adapt.

Witness 1 said that the Complainant is very soft spoken, and cares a lot about other people's feelings. Witness 1 says she thinks the Complainant was embarrassed in this situation, and that it "took a lot out of her, she told me, to even say 'I don't want this' because she's very passive in some situations because she is a people pleaser."

Generally, Witness 1 says that the Complainant is very reserved, cautious, a worrier, is a very compassion and empathetic person, and that it is hard for the Complainant to open up, that she is a private person without many friends here at PLU. After the incident with the Respondent, Witness 1 says that the Complainant has no had "no tolerance," and a "lower patience level" for people that she thinks have wronged her. Witness 1 says that she sees the Complainant now being a little more reserved and selective over what she tells people, that she's "turning inwards."

Witness 1 says that she believes what the Complainant said. Witness 1 has never seen the Complainant not being truthful to her, and that she knows how hard it is for the Complainant to bring up the situation, as Witness 1 can tell how embarrassed the Complainant is. The Complainant apparently avoids Pflueger hall, and has really strong reactions which reinforces to Witness 1 that the Complainant is telling the truth.

#### **Investigator Comments:**

Witness 1 is one of the Complainant's closest friend, which automatically puts some bias on the situation. Witness 1 was very talkative, and spoke a lot about the Complainant's feelings and the struggles that the Complainant has had. Witness 1 seems reliable in the fact that the Complainant talks freely to the Witness, therefore, Witness 1 is able to see the impact that this situation has had, and continues to have on the Complainant. Witness 1's body language was very credible, and she seemed to

speak honestly and out of true care for her friend. In this way, the Investigator feels like Witness 1 is telling the truth, but may have a slight bias in protecting her friend.

**Witness 2 Initial Interview Summary – Monday, May 21, 2018 12:00pm**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 2

**Interview Summary:**

Witness 2 met the Complainant at the beginning of this semester through Witness 1, and said that they became close. Witness 2 did not know the Respondent before this incident.

Witness 2 said that the same evening that the incident occurred, the Complainant came to talk to Witness 2 in Witness 2's room. Witness 2 said that the Complainant's whole body was changed. Usually, Witness 2 sees the Complainant as happy with a smiling face, but that night there was a change in the Complainant.

Witness 2 said that he knew something was going on, but the Complainant wouldn't talk to him. Witness 2 then tried to say different phrases, and had the Complainant either say "yes" or "no" to them. Witness 2 figured out what happened because Witness 2 knew what type of girl the Complainant was, and knew that something was wrong. Witness 2 said that in the past, he had a friend in the past that was similar to the Complainant, and so he knew there was something wrong based on the way the Complainant was acting. Witness 2 finally asked "You had sex," and the Complainant said "yes." Witness 2 asked "Did he force you," and the Complainant did not give Witness 2 an answer. The Complainant just kept her head down, and Witness 2 kept asking "did he stop? Did he do anything?" and the Complainant did not respond.

Witness 2 talked to the Complainant about what options she had, and said that the Complainant was scared of what would happen if she reported anything. Witness 2 said that he was by her side the entire time, and that he keeps checking in on the Complainant. Witness 2 says he continues to see the Complainant's mood change, so he knows that the Complainant is still being bothered by the situation.

On the day of the alleged incident, the Complainant told Witness 2 that she had met the Respondent about a week ago, and throughout that week, the Respondent had been trying to get the Complainant to hang out with him. The Complainant finally said yes, and so they went to the Respondent's room to watch a movie. The Complainant said they were watching a movie, and then they started making out. The Complainant told Witness 2 that she was going with it until the Respondent started touching her and fingering the Complainant. At first the Complainant was ok with it, but then all of a sudden the Respondent took his pants off, and put his penis into the Complainant's vagina. The Complainant told the Respondent that it was hurting, and the Respondent said it would be ok and stop hurting after a while.

According to Witness 2, the Respondent was on top of the Complainant, and the Complainant wouldn't be able to get out from that. The Complainant started bleeding, and the Respondent kept going. The Complainant mentioned a few times to the Respondent to stop, but the Respondent apparently told the Complainant to keep going and it would not hurt anymore.

Witness 2 said that when the Complainant came up to his room that night, Witness 2 had never seen the Complainant so scared.

Witness 2 and the Complainant talked for a little bit, and then the Complainant left and went to Witness 1's room. After a little bit, Witness 2 went to Witness 1's room to check on the Complainant, and all three started talking. Witness 2 finally left the room at 3 or 4am, and Witness 1 and the Complainant stayed and kept talking.

Witness 2 is friends with Witness 6, and Witness 6 introduced Witness 2 to Witness 4, who was dating the Respondent. Witness 2 requested to follow Witness 4 on Instagram, and on the Instagram biography, it said the initials of the Respondent. Once Witness 4 became friends with Witness 2 on Instagram, Witness 2 saw pictures of Witness 4 and the Respondent together, and knew that Witness 4 was dating the Respondent.

Witness 2 texted Witness 6 immediately after seeing the pictures, and told Witness 6 that the Respondent was "not the guy you think he is," and was "heated." Witness 2 thinks that Witness 6 immediately told Witness 4 about what was said about the Respondent. Witness 4 messaged Witness 2, in which Witness 2 said they had long Instagram talks.

Witness 2 tried to "stay quiet," but said he needed to do the right thing and tell Witness 4 who the Respondent really was.

A few days after that, the Complainant sat down with Witness 4 and told Witness 4 everything. After that talk, Witness 4 blocked the Complainant and Witness 2 on social media. That caused the Complainant to be really scared that something might happen to her, which is why the Complainant requested the No Contact Order.

Witness 2 said that once this happened to the Complainant, he could see the Complainant not talking to anyone, not focusing on school, and was just different. Witness 2 thinks that the Complainant feels a little bit braver now, and is glad that the Complainant reported the incident.

Witness 2 believes that the Complainant is telling the truth. Witness 2 says that the Complainant is a "shy girl," and innocent, and if you knew the Complainant, you would know that she would never have sex with someone unless she had feelings for someone. Witness 2 said that if the Complainant said that she was hurting or to stop, the Respondent should have stopped. Witness 2 feels like the Complainant was forced to have sex with the Respondent.



**Investigator Comments:**

Witness 2 came into the interview calm, and seemed to be genuinely interested in giving as much information as possible. Witness 2 describes himself as a good friend with the Complainant, and throughout the situation, seemed to try to protect the Complainant, which leads to some obvious bias on his part. However, the information given by Witness 2, although fueled by emotion, is consistent with other narratives and seems like Witness 2 is not trying to hide or change any information.

**Witness 3 Initial Interview Summary – Monday, May 21, 2018 3:00pm**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 3

**Interview Summary:**

Witness 3 has known the Complainant since Spring of 2017, as they were in a lot of the same classes. The Complainant and Witness 3 studied together and talked, and became friends. The topic of Witness 3 going through a sexual misconduct process herself came up at one point in conversation with Witness 3 and the Complainant.

Witness 3 did not know the Respondent at all.

On the night of February 27, Witness 3 received a text from the Complainant, asking if they could meet that evening because "something happened." Witness 3 figured something bad had happened, and was worried about the Complainant. They decided to meet up in Witness 3's room, and the Complainant looked "visibly shaken," and looked like she had been crying, was "scared and jumpy, just very anxious." Witness 3 asked what happened, and the Complainant told Witness 3 that she thought she had been raped.

Witness 3 asked for more details, and the Complainant told Witness 3 that she had met a guy at the UC and had been talking through SnapChat. Witness 3 said that she understood that the Respondent and the Complainant had hung out a few times in public spaces, and that night the Respondent invited the Complainant back to his room. In the room, the Respondent started making advances on the Complainant, to which the Complainant told Witness 3 that she kept "shutting down his advances every single time by saying 'no.'" According to what Witness 3 understood, the Respondent kept trying to entice the Complainant by taking off his clothes, trying to take off the Complainant's clothes, and kissing the Complainant to try to get the Complainant to say yes to something after she said no.

Despite the Complainant saying no and telling the Respondent that she was hurting, the Respondent had sex with the Complainant. At this point in the conversation, Witness 3 said she was worried because it looked like the Complainant was going to have a panic attack. The Complainant told Witness 3 repeatedly that the Complainant did not understand why the Respondent did not listen to her when she said no, and that the Complainant didn't know what she had done wrong to make this happen.

The Complainant told Witness 3 that she thought sex was a very important thing and wanted to save it for someone special or until marriage, so the Complainant was also very upset because she felt something was taken from her. Witness 3 took this to mean that sex is not something the Complainant would do willingly, as sex seems very important to the Complainant and something that wasn't just for someone you've been Snapchatting with for a couple of days.

The Complainant was "very vague" with what happened between her and the Respondent, and Witness 3 only remembers the Complainant saying things like the Respondent "trying to take off all of her clothes, and kept trying to kiss her in different places." Witness 3 said it seemed like the Complainant was getting embarrassed, as the Complainant is a very shy person.

The Complainant wanted Witness 3's opinion on whether what happened was sexual assault or not. Witness 3 told the Complainant that it was up to her to judge that, because generally sex is a happy thing, and if you are asking a friend that you know has been assaulted, it "kind of gives away the answer."

The Complainant then started crying more, and wanted to know more about the resources on campus. Witness 3 told the Complainant about the Health Center, going to the hospital for a rape kit, but the Complainant was really scared about getting the police involved. Witness 3 explained that the police don't generally get involved, but the Complainant still did not want to go to the hospital that night. Witness 3 heard that the Complainant went to the hospital later on with the CGE.

Witness 3 talked to the Complainant about the Victim's Advocate and the SRR process, and the Complainant asked more about the process, as Witness 3 had gone through the process before. After talking about reporting, the Complainant started to get upset again and was wondering why the Respondent did not listen to her.

The Complainant started telling Witness 3 that she was scared that she did not protest enough, or did not say enough, but Witness 3 stopped the Complainant and said it did not sound like consent occurred that night. The Complainant continued to question herself and questioned what she had expected from going to the Respondent's room. Witness 3 asked what the Complainant did expect, and the Complainant expected that she would just hang out with the Respondent.

After the conversation that initial night, the Complainant went back to her room, and Witness 3 sent the Complainant some text messages checking in on her and offering her support.

Witness 3 has been able to see the impact this has had on the Complainant, including the Complainant missing classes due to going to the hospital and the medication they gave her. The Complainant told Witness 3 that she feels very unsafe on campus, and the Complainant is scared because the Respondent's father is a police officer, and was afraid the father would be able to look up where the Complainant lives and cause her harm. The Complainant was expressing concerns for her own safety and focusing academically because of all this.

Witness 3 says that she believes what the Complainant says. Witness 3 says that the Complainant does not like a lot of attention on her, and that this allegation is not something the Complainant would do for any purpose. Witness 3 believes that the Respondent ignored the Complainant saying "stop," as the Complainant says.

**Investigator Comments:**

Witness 3 is someone that does not know the Complainant super well, but considers the Complainant a friend. Witness 3 has also disclosed that she went through a Sexual Misconduct Investigation herself, and so Witness 3 is definitely biased based on this information. It sounds like Witness 3 is trying to be a good friend and help the Complainant through her experience and not pressure the Complainant to do anything. Witness 3 was articulate and able to back up any claim she had regarding whether what the Complainant told her was sexual assault or not, and Witness 3 was able to clearly lay out her thoughts with the Investigator. While there were small discrepancies in the story, to the Investigator this showed more that Witness 3 and the Complainant were not "best friends," and therefore, Witness 3 is less emotionally tied to the Complainant than other witnesses. Therefore, the Investigator considers Witness 3 to be credible, but with the understanding that she has gone through a similar situation and therefore has some emotional tie to the Complainant.

**Witness 4 Initial Interview Summary – Monday, May 21, 2018 2:00pm**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 4

**Interview Summary:**

Witness 4 met the Respondent in the Fall during New Student Orientation briefly, and added the Respondent on Facebook. About five minutes after adding the Respondent to Facebook, Witness 4 received a message from the Respondent. Witness 4 said she and the Respondent "hit it off really quickly."

Witness 4 said she had the first date with the Respondent in the beginning of April. The Respondent asked Witness 4 out, and for the first date, they went to breakfast, walked around JoAnnes, and went to see a movie together.

Witness 4 was in a relationship with the Respondent when Witness 2 reached out to Witness 4 with allegations of the Respondent. Witness 4 wanted to get both sides of the story, as she likes to get all information before "jumping to her own conclusion." This happened a couple of days before the one month anniversary of Witness 4 and the Respondent.

Witness 4 asked Witness 2 if she could get the information of the Complainant, so that Witness 4 could schedule a meeting with the Complainant. Witness 2 "beat around the bush a little bit," and finally

Witness 4 gave Witness 2 her contact information and asked Witness 2 to give the contact information to the Complainant so that the Complainant to reach out to Witness 4.

Witness 4 met with the Complainant on April 19, she believes. Witness 4 and the Complainant met for approximately 1 hour after Witness 4's class. Witness 4 brought her friend, Witness 6, but Witness 6 was not in the room during the meeting.

Witness 4 introduced herself, and made sure that she and the Complainant were talking about the same person. Witness 4 pulled up a picture of the Respondent, and according to Witness 4, the Complainant got "a wistful look on her face, kind of like when someone you used to be really close with, kind of like seeing an old friend," which Witness 4 thought was an odd reaction. The Complainant asked Witness 4 how Witness 4 knew the Respondent, in which Witness 4 said that she was "seeing" the Respondent.

The Complainant told Witness 4 that she met the Respondent in the UC. The Respondent was talking to a group of people about scuba diving class, and brought the Complainant into the conversation. The Respondent then sat down and talked with the Complainant, and they exchanged SnapChat information, which the Complainant said was not unusual for her to do.

The Complainant told Witness 4 that the Complainant and the Respondent talked a little bit, and on a Tuesday night they got together, got dinner, and went back to the Respondent's room to watch a movie. The Complainant told Witness 4 that "things got heated very quickly," and that the Respondent started touching the Complainant. The Complainant told Witness 4 that she did tell the Respondent "no," and the Respondent reassured the Complainant that things would be fine.

The Complainant told Witness 4 that she was a virgin at the time, that she was looking for a relationship, and that she would only have sex with someone she was in a relationship with that she loved. The Complainant did tell Witness 4 that the Respondent told her that he did not want a relationship, and that they did end up having sex.

Witness 4 asked if they had used a condom, and the Complainant said that they did. Witness 4 said that the Respondent keeps his condoms in his dresser drawer, which is across the room from the futon. Witness 4 said that in order for the Respondent to get a condom, he would have needed to get up off of the Complainant.

The Complainant told Witness 4 that the following day, she went to the Health Center and told them that she was raped. The Health Center sent the Complainant to the hospital, and said that the hospital gave the Complainant a rape kit to take home, which the Complainant still has.

During their conversation, Witness 4 said that the Complainant got emotional at times. Witness 4 reinforced to the Complainant that the Complainant doesn't have to tell her these things if it makes her uncomfortable. Witness 4 said the conversation was "odd," and that the Complainant had a lot of mood swings. Witness 4 said it went from "being normal to being on the verge of tears, to being happy, to being, it was a lot and I left there mentally exhausted." Witness 4 said that the Complainant did use the word "rape," and they left the conversation under seemingly good terms.

Witness 4 went right over to the Respondent's room after the conversation with the Complainant. The Respondent was playing video games with a friend, and Witness 4 asked the friend to leave. Witness 6 was with Witness 4, and stayed in the room while Witness 4 and the Respondent talked. Witness 4 told the Respondent that she could not do the relationship, and started breaking up with the Respondent.

Witness 4 said that the Respondent started defending himself, and asked her questions about why she was believing the Complainant over himself. Witness 4 told the Respondent that she couldn't be in a relationship with anyone that even had a rape allegation against him. Witness 4 told the Respondent that she did not want to break up with the Respondent, but felt like she had to.

The Respondent told Witness 4 that he and the Complainant did have sex. Witness 4 said that the stories that the Complainant told and the story the Respondent told match up, until the point that they get to the room. Witness 4 asked the Respondent to be completely honest with her, and the Respondent said that they went back to his room, the Complainant wanted to have sex, and said yes to sex.

Witness 4 finally left the room, that evening, without breaking the relationship off. Witness 4 and the Respondent continued to see each other.

Witness 4 said that she removed the Complainant from her SnapChat after their conversation, as that was the only place on social media that they connected. Witness 4 felt that she did not have anything else to talk about with the Complainant, and so she removed the Complainant from her SnapChat.

Whenever Witness 4 brought up the allegation after the initial night, the Respondent refused to talk about it with Witness 4. Witness 4 said it was like the Respondent was "shoving it under the rug. He didn't want to talk about it, he didn't want to say anything, he got defensive really really quickly."

Witness 4 said that while she was dating the Respondent, the Respondent was "extremely pushy, but I held my own with him." Witness 4 said that she told the Respondent no "multiple, multiple times."

One example of this was one afternoon when Witness 4 went to the Respondent's room after her cheerleading practice to hang out with the Respondent. At that point, Witness 4 said that she did not want to have sex with the Respondent. The Respondent told Witness 4 that it makes sense, the reason the Respondent is with Witness 4 is not because of sex, and that he was fine with not having sex. However, Witness 4 said that she hung out with the Respondent for about a half an hour. Within that time, the Respondent got "extremely touchy" with Witness 4. Witness 4 kept telling the Respondent that she needed to leave, but the Respondent said she didn't have to leave.

Witness 4 got up to leave, and the Respondent got up, got a condom, and continued to kiss Witness 4. Witness 4, being a forward person, grabbed the condom out of his hand, said "what's this?" The Respondent said "babe," with Witness 4 responding "no," put the condom down, grabbed her bag, and left the room.

Witness 4 said this happened a couple of times, and it happened on their first date as well. Witness 4 said on her first date with the Respondent, there wasn't any talk of boundaries, because Witness 4 was

not expecting the Respondent to try anything with Witness 4. Witness 4 said that the Respondent ignored Witness 4 when she said no during that first date. Witness 4 said that her pants would remain on, and they did not stay on. Witness 4 told the Respondent that she was keeping everything else on, but the Respondent tried to take everything else off.

Witness 4 gave another example of a time when she told the Respondent that she did not want to have sex. The Respondent took that to mean anal sex was ok, even though Witness 4 said she did not want to do that. The Respondent told Witness 4 it would be ok, and told Witness 4 to try it once. Witness 4 told the Respondent no, she did not want to do that, and the Respondent ignored her. At this moment, Witness 4 was in front of the Respondent, and the Respondent had his arms around Witness 4. The Respondent goes to stick his penis into Witness 4's anus, trying to have anal sex with her. Witness 4 used her arm to push him away, and told him to stop.

After that occurrence, the Respondent asked Witness 4 if she was mad at him, and Witness 4 said "no, you're ok." Witness 4 said that she doesn't believe that the Respondent knows the meaning of "no."

Witness 4 said she doesn't believe that the Respondent raped the Complainant. Witness 4 heard from the Respondent that the Complainant's statement did not say anything about her saying "no," which Witness 4 said was different from what the Complainant told her in the meeting. Witness 4 does not really know what happened, and says that the Respondent "really doesn't understand the word no."

At this time, Witness 4 says that she is really only acquaintances with the Respondent, and has only connected with him because of the investigation.

#### **Investigator Comments:**

Witness 4 came into the interview very confident and seemed a bit abrasive, although it did not seem intentional. Witness 4 seemed to speak her truth very well. She had dated the Respondent, and the Respondent still had asked Witness 4 to write a witness statement for him, which shows that the Respondent and Witness 4 still are tied to each other in some way. Witness 4 did not seem to be hiding any information and was quick to answer questions, was able to articulate examples, and had body language that seemed open and trusting. Witness 4 seems very credible.

#### **Witness 5 Initial Interview Summary – Monday, May 21, 2018 10:00am**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 5

#### **Interview Summary:**

Witness 5 has been friends with the Respondent for several years, as they were best friends in high school, and Witness 5 and the Respondent are roommates this academic year. Witness 5 does not know

the Complainant; the Respondent may have introduced Witness 5 to the Complainant, but Witness 5 does not remember meeting the Complainant at all.

According to Witness 5, the Respondent "keeps to himself with his relationship statuses," and nothing came up regarding the Complainant. Therefore, Witness 5 did not know much about the Complainant and Respondent's relationship, or what happened from there. The Respondent told Witness 5 a general idea of what was happening, and that the Respondent believes these allegations are false.

About a month to three weeks ago, Witness 5 said that the Respondent wanted to talk about the situation with Witness 5 just to let Witness 5 know about it. According to Witness 5, the Respondent told Witness 5 that "we didn't even do anything, I don't know why this is happening to me."

Witness 5 said that the Respondent, around the time the incident happened, was "going between people that he was talking to and people that he was seeing and hanging out with," but never heard anything specific about the Complainant. The Respondent told Witness 5 that Witness 5 had met the Complainant before, but Witness 5 does not remember ever meeting the Complainant.

Witness 5 says that the Respondent enjoyed hanging out with different people, and would sometimes not go back to their residence hall room for the night. Witness 5 said he was not sure whether the Respondent would spend the night in someone else's room, or if the Respondent would go home, because the Respondent apparently did that a lot. Witness 5 would sometimes ask about the person that the Respondent was seeing, but there was never specific conversation about the Complainant during this time.

Witness 5 said that he and the Respondent would have informal conversations about bringing people back to the room. According to Witness 5, the Respondent would ask Witness 5 if he could have the room for a bit; Tuesday nights in Februarys, Witness 5 said that he would be gone from the room up to 8-9pm. Witness 5 did not care if the Respondent brought someone back to the room if Witness 5 was not there. Witness 5 said that when he would come back to the room after the Respondent asked him for space, Witness 5 would come back after the allotted time, and generally would text the Respondent that he was coming back, knock on the door, or put the key in the door slowly. Witness 5 said he would only do this on days that the Respondent asked to "borrow the room." Witness 5 said these conversations generally happened through text message, or verbally if both people were in the room.

Witness 5 said that the Respondent talked with him about the allegations and the No Contact Order "restrictions," but that was about it. The Respondent seemed surprised that the Complainant would say this, and was "obviously frustrated because his army career hangs in the balance," which is "honestly something that's more important than any girl to him."

Witness 5 doesn't know what really happened. Witness 5 believes the Respondent, but also says that "there's a lot that he doesn't say, not so much in regards to this, but like other incidents. I know some of my friends, you know, he has kind of moved fast when he was talking to some girls, whether that's, like, he put his hand on their leg and they didn't want that or whatever, I've heard about that a couple times from some other people." Witness 5 said the Respondent tells the truth when they talk, and that this

incident was “to a greater extent than just putting a hand on a leg,” so he generally believes what the Respondent says, because the Respondent really doesn’t lie.

**Investigator Comments:**

Witness 5 was interviewed via a telephone call, so it was hard to read verbal cues and body language. However, with the information given, the Investigator finds Witness 5 to be a credible source. Witness 5 is friends with the Respondent, but he showed a lot of critical reflection and thought. The tone of his voice and the way he answered questions made the Investigator believe that Witness 5 was telling the truth and seemed to want to assist the process. Therefore, there is no cause to question the credibility of Witness 5.

**Witness 6 Initial Interview Summary – Monday, May 21, 2018 11:00am**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 6

**Interview Summary:**

Witness 6 said that she considers both the Complainant and the Respondent as “acquaintances,” and says that she does not know the Complainant personally, and only met the Respondent through her friend, Witness 4, who was dating the Respondent.

Witness 6 says she met the Respondent probably before or after class someday, and does remember meeting the Respondent while Witness 4 was dating the Respondent.

Witness 6 says that she initially got involved in the situation when someone (Witness 2) told Witness 6 “I don’t like your friend’s boyfriend,” and when Witness 6 asked Witness 2 for more details, Witness 2 said that the Respondent “raped my friend.” Witness 6 said she felt upset about that, and told Witness 4 about it because she didn’t want her friend to be put into that situation. Witness 4 told Witness 6 that Witness 6 could give her information to Witness 2 so that they could talk, and Witness 6 did that.

Witness 4 arranged to meet with the Complainant to talk through the Complainant’s side of the story, and Witness 4 asked Witness 6 to come with her to meet with the Complainant. Witness 6 said she would come with Witness 4, as she knew it could be an uncomfortable situation.

When Witness 4 and Witness 6 went to go meet with the Complainant, Witness 6 said that she did not want to be involved, and said she went down the hall to another room and studied for her test. This was the first time that Witness 6 met the Complainant, and said that the Complainant seemed “kind of reserved,” “shy,” but did not know the Complainant before this. Witness 6 said Witness 4 and the Complainant met for approximately “45 minutes to an hour.”



Witness 4 told Witness 6 that the Complainant had told Witness 4 that the Complainant had said "no," the Respondent said "it's ok," and they had sex, which Witness 6 says was not ok. Witness 6 does not fully remember the details of what Witness 4 talked with the Complainant about.

After Witness 4 came back, she "seemed really upset, it looked like she was about ready to cry," and said that she needed to talk with the Respondent. Witness 6 figured at this point that Witness 4 and the Respondent were done with their relationship at that point.

Witness 6 says that Witness 4 did end up breaking up with the Respondent, but said it was because they were looking for different things. During their relationship, Witness 6 says that there were little things that Witness 4 was upset with in regards to the Respondent. Witness 6 said that she remembers Witness 4 being a little upset that the Respondent wanted to have sex during the first date, and said it was kind of weird, but that Witness 4 played it off.

Witness 6 knew about the No Contact Order, and also heard about the Complainant filing the charges against the Respondent. The Respondent apparently asked Witness 6 to write a statement for him during this investigation, and Witness 6 said no, that she would like to stay out of this situation. Witness 6 says she honestly does not know what happened, and feels like everything she knows is "hearsay," and wanted to stay out of the situation.

Witness 6 says she is a "third party" in this situation, and she understands why Witness 4 wanted to meet with the Complainant. Witness 4 wanted to know who she was dating, and feels like she involved Witness 6 into the situation.

**Investigator Comments:**

Witness 6 came into the interview and seemed calm, collected, and did not seem to have any personal ties to the Respondent or the Complainant. While she was originally named as a witness for the Respondent, Witness 6 did not want to write a Witness statement, but was able to be interviewed by the Investigator. Because of this, the Investigator does not believe there is a tie either way (to the Complainant or to the Respondent), and that what Witness 6 said in her interview was accurate to the best of her belief.

## SUMMARY OF FOLLOW-UP INTERVIEWS

### Complainant Follow-Up Interview Summary –Thursday, May 31, 2018 1:00pm

**Individuals Present:** Connie Gardner, Title IX Investigator  
Complainant  
Dawn Cuthbertson, Support Person for Complainant

#### **Interview Summary:**

*Because this interview was a response to the initial report, questions asked are displayed in italic font, with the Complainant's response following. Questions were asked by the Respondent and the Investigator.*

*Do you have anything to respond to or correct from the initial report? (Investigator Question)*  
The Complainant does not.

*When you and the Respondent met in OMM and exchanged SnapChats, who initiated the conversation to hang out in person? (Investigator Question)*

The Complainant said that the Respondent initiated it. The Complainant said that as the Respondent was leaving OMM, he told the Complainant that they should hang out sometime. The Complainant said there were a few different occasions in which the Respondent suggested hanging out earlier, including the time that he wanted to go swimming. The Complainant was studying in the library one day as well when they talked about getting together, but they finally landed on the day to hang out because they both had time in their schedules.

*When you agreed to hang out with the Respondent, did you have any thoughts or expectations on what you wanted with the Respondent, and did you have any plans for hanging out? (Investigator Question)*

The Complainant said that she and the Respondent talked about watching a movie, taking a nap, or going to Starbucks at their hang out. The Complainant says that the Respondent proposed going back to his room to hang out, and the Complainant agreed to it. The Complainant said that she felt comfortable with the Respondent at that time, however it is not something that she normally does, so she was a little "anxious about it."

The Complainant said that she thought the Respondent was attractive, and that he was nice to the Complainant. The Complainant said she wasn't necessarily looking for a boyfriend or anything.

*Can you walk me through step by step what happened after you got to the Respondent's room?*

*(Investigator Question)*

The Complainant says the following events happened:

The Respondent folded down his futon in the room

The Respondent put a movie on

The Complainant and the Respondent laid on the couch cuddling "right away"

The Complainant felt fine when the Respondent's hands were on her back or stomach, or when they were holding hands

Soon the Complainant and the Respondent were kissing

The Complainant made it "clear to him verbally early on while we were in his room that I did not engage in casual sex, took dating seriously, wanted a relationship, and preferred that things be taken slowly."

The Complainant said she did not necessarily want a relationship with the Respondent, but that she just took things seriously.

The Respondent started touching the Complainant's hips, thighs, and butt

The Respondent moved to putting his hands under the Complainant's camisole under her shirt, and touching her butt under her leggings.

The Complainant told the Respondent that she was not comfortable with this, but the Respondent did not stop or acknowledge that the Complainant felt uncomfortable

The Respondent fingered the Complainant's vagina and anus

The Respondent "went through the motions of sex while clothed"

The Respondent took his clothes off, and instructed the Complainant to take her shirt off. The Respondent took the Complainant's leggings off as far as he could

The Respondent took the Complainant's hand and put it on his penis, which the Complainant "quickly jerked away"

The Respondent got up from the futon, went to the dresser, and got a condom

The Complainant again told the Respondent that she was not comfortable having sex, but the Respondent said that the Complainant was just anxious, that he could calm her down

The Complainant and the Respondent had vaginal sex, in which it hurt the Complainant

The Complainant was "wincing and crying out in pain." The Complainant told the Respondent that he was hurting her, in which the Respondent "shushed" the Complainant and told the Complainant to focus on her breathing and kissing him, and that it would get better. The Complainant said it did not

The Respondent suggested that they have anal sex, in which the Complainant said "be gentle," and it also hurt the Complainant

The Respondent suggested that they change positions again, in which the Complainant said no, and the Respondent then stopped

*When you first talked to the Respondent about not wanting to have sex, do you remember anything specific that was said? (Investigator Question)*

The Complainant said she just said "I don't want to have sex," and said that she was a virgin, that it was important to her. The Complainant said that this conversation happened earlier on during the hang out. The Respondent claims the virgin conversation happened right before they had sex, but the Complainant says it happened earlier than that. The Complainant believes the Respondent responded by saying "I respect that."

*When you both went onto the futon, are you able to remember who initiated the cuddling? (Investigator Question)*

The Complainant does not remember fully, but thinks it was mutual. The Complainant thinks she remembers the Respondent on the futon first, and then both started to cuddle at the same time.

*Are you able to remember who initiated once the kissing started? (Investigator Question)*

The Complainant does not remember

*Once things started to happen, are you able to remember if the Respondent asked any questions to you? (Investigator Question)*

The Complainant does not think that the Respondent asked any questions of her at all. The Complainant said that they were not kissing the entire time, and that they would stop to talk about things.

*Are you able to remember any feelings that you had during this time? (Investigator Question)*

In the beginning of the hang out, the Complainant said she felt anxious because she did not really know what to expect. The Complainant said "it was ok at first, but then when I verbally expressed to him that I wasn't comfortable with him touching me and he wouldn't stop, I got angry, sad, hurt, kind of shut down, I was shocked."

*Did the Respondent ask you to remove your clothes? (Investigator Question)*

The Complainant thinks so. The Complainant said at one point, the Respondent took his shirt off and asked the Complainant to give him a massage.

*Did you touch the Respondent before intercourse other than the Respondent putting your hand on his penis? (Investigator Question)*

The Complainant said she touched the Respondent on his neck and his shoulders before intercourse.

*After the sexual encounter, did you and the Respondent talk at all before getting clothed again? (Investigator Question)*

The Complainant said that she does not necessarily remember, but if they did it was brief.

*You expressed to the Respondent that the sex was hurting you; do you remember how the Respondent reacted to that? (Investigator Question)*

The Complainant said the Respondent told her to just focus on her breathing and kissing him and that the pain would get better. When the Complainant was "wincing," the Respondent "shushed" her.

*The Respondent believes that when you both entered his dorm room, you both talked about being tired and taking a nap. The Respondent also believes that the Complainant had somewhere to be on campus later that day, and so he set an alarm. Do you remember doing any of this? (Respondent Question)*

The Complainant said they both talked about being tired in the SnapChats they exchanged that morning. The Complainant thought the Respondent was joking about taking a nap. The Complainant has a lot of trouble sleeping, and never would be able to sleep in someone else's room "that's an acquaintance to me." The Complainant does not remember the Respondent setting an alarm. The Complainant does not believe she did have somewhere to be, other than hoping to eat dinner at some point that evening.

*The Respondent recalls that the Complainant told the Respondent that she was a virgin just before having sex. The Respondent said that he went to get a condom, the Complainant told him that she was a virgin, the Respondent put the condom down and both talked about whether sex was something both wanted or not. The Respondent believes that both agreed to having sex, in which he went back to get the condom. Do you remember any of this? (Respondent Question)*

The Complainant remembers the Complainant and the Respondent having a conversation about the Complainant not wanting to have sex, but does not remember the Respondent putting the condom back.

*Did you have any evidence of bruising when you went to the hospital? (Respondent Question)*

The Complainant said that she did have bruises on her, but was not sure where they came from. The Complainant, at that time, was dancing 4 days a week, and the color of the bruises indicated that they probably were not from the day before.

*Can you explain what caused your abdominal pain? (Respondent Question)*

The Complainant said according to the hospital discharge papers, the Complainant was having her period that day at the hospital, and regularly has "severe menstrual cramps."

*Is there anything else you think the Investigator should know? (Investigator Question)*

The Complainant said that she had the following issues with what the Respondent said in the initial report:

The Respondent said that they went straight from the Complainant's dance class in the Columbia Center to the Respondent's room, when in actuality the Complainant said they went from the Columbia Center to OMM, sat down for 20-30 minutes, and then went to Pflueger. The Complainant says that she remembers what both the Complainant and the Respondent ate and drank, who they talked to, and where they were sitting.

The Complainant points out that after sex, the Respondent said that both of them sat on the futon and talked. The Complainant said in actuality, both her and the Respondent got up "pretty abruptly and put our clothes on and went to the bathroom."

The Respondent talks about the Complainant's body language showing a desire to be a part of the activity. The Complainant says that there were times in which she would stop kissing the Respondent, or pull back because "it got to be a lot for me." The Complainant said she's not sure how that type of body language conveys a desire to engage in sexual activity.

The Respondent said that the Complainant "verbally agreed" to sex, and had the virgin conversation during when the Respondent was getting a condom, whereas the Complainant believes this conversation happened earlier in the hang out time.

The Respondent said that the Complainant removed her own clothes, but the Complainant said that she did not remove her own leggings completely.

The Respondent never asked the Complainant if she was ok, and at one point in the report the Respondent said that he removed his penis and asked the Complainant if she was ok, and the Complainant does not believe that this happened.

The Respondent said that he proposed anal sex and that the Complainant agreed to it, but the Complainant does not remember this conversation happening.

The Respondent claims that there was a conversation after the sex about how the Complainant wanted a relationship and that she wanted the sex to be "more than a one time thing." The Complainant said that she did not say that.

The Respondent said that the Complainant verbally said that she was "on board with anything," and the Complainant says that this "doesn't even sound like something I would say."

The Respondent said that the Complainant was “moving my hands on him in sensual ways,” and the Complainant doesn’t believe that she was doing that.

The Respondent said that it seemed like the Complainant didn’t seem to mind that she was a virgin, but the Complainant says that she believes she expressed that it was a big deal to her.

The Respondent said that he noticed signs of discomfort in the Complainant, but the Complainant says she feels he “did anything to alleviate that.”

The Respondent refers to the sex as “something we both just executed,” which the Complainant says implies that they both were full participants. In actuality, the Complainant said she was just laying there.

*What impact has this incident had on you? (Investigator Question)*

The Complainant says the following:

“The first thing I want to talk about is something that happened yesterday, which is a grade impact. So I received an email from my psychology statistics professor, . . . , requesting that we talk on the phone and asking what a good time and number to call me was. I told her that my account was on hold so I could not see my final grades in Banner, and I wondered if it was regarding that.

I was scared and worried about why she might be calling. She sounded sad on the phone as someone would if they were telling someone upsetting news. She called to tell me that I had received a D in my statistics class. It is necessary to have a C- to move onto your capstone. I began to cry on the phone, telling her I’m going through a lot right now and I’d been really hopeful that this could be at least something that could work out in my favor. She told me that it had been close but not enough. She reassured me that I had really stepped up and done all that she had asked and worked really hard in spite of everything and she had been impressed.

But ultimately it came down to my final exam grade, which had the potential to replace one of my other test grades. I did not do well on the final exam. She expressed care and told me that she was very concerned about me and hoped that everything worked out in my case so I was able to recharge over the summer and come back in better spirits. She told me to let her know if there was anything she could do for me.

This is my first D I have ever received at PLU, and this D ultimately means I would have to stay here an additional semester, setting me back in my post-graduate plans as well as financially. I do not blame this D solely on this incident. The first semester of this two semester stats sequence was difficult for me on its own; but adding the stress of how to proceed with this incident, the no contact order, and the initial stages of the investigation on top of just trying to focus in class without having troubling memories made this class nearly impossible.

The impact of this incident and the stress of the investigation process at the end of the semester, a critical time that could clearly make or break my grade, are reflected in my grade.

Though it has been three months since our encounter on that fateful Tuesday evening, this experience, what I believe was an act of injustice committed against me, has impacted my life negatively in the following ways. I don't feel safe on campus anymore at all, even during the day, even with friends, even when I'm in places I know                      is very unlikely to be. If I see someone staring at me, I assume that maybe they know about me from                      and that they are silently judging, that they take a side.

I look as far as my eyes can scan to be extra certain that we don't cross paths. I've felt so unsafe at times that I don't even want to be in my own room anymore. I was scared                      would find me and hurt me again, hurt me worse, that he would feel threatened by my assertions to his girlfriend that he was not to be trusted or my allegations against him to SRR.

Part of what drew me to this school was its intimate campus community and small class sizes. Now the campus feels too small and it's closing in on me. People know each other's business. I see people I don't want to see and it's unavoidable. There are only so many paths you can take to navigate across campus.

Even if I                      was to never set foot on this campus again and I wouldn't ever have to see his face, places on this campus would still remind me of him and what he did to me. I must walk past his building every day to go to my dance class. The same building where I was used for my body. The hair on the back of my neck stands on edge as I walk by. I half expect him to come out of the building. There's no other way to get there.

Every day when I go to get something to eat or coffee, I see the table where we first met where I wish we hadn't.

I see him and he seems unaffected. Happy even. He's gotten to move on with his life while I'm paralyzed, punished forever by a sequence of mistakes. This is upsetting. I doubt he wakes up and thinks about what happened thinks about me in his classes at the mere mention of anything related, when his friends talk about their sexual escapades, or when sex scenes flash on the tv and explicit lyrics blare from the radio. All of these experiences I have.

Because of my concerns about safety and the pain of being on campus with locations that remind me of my sexual assault every day, as well as seeing my perpetrator, I considered taking a semester off, transferring schools, and even dropping out of school entirely. I still toy with these ideas every day throughout the day.

My previous work ethic and closeness to completing my degree, as well as the importance I place on my education above everything else, demonstrate that this must have a significant impact on me for me to consider giving up.

I've also considered dropping classes and taking incompletes. This has been met with reluctance from my professors, some of whom I've had to fight to even get extensions of a few days from. You can ask any of my teachers or classmates about the ways that the emotions from this experience have disrupted my learning in my classroom Spring semester. Countless classmates have asked me if I was ok, either in person or in a message, stating that I seem distraught in class and physically in pain. I tried my best to



compartmentalize and fully invest myself and focus in the activities of each class, but even then I've had to leave class because I start crying, have a panic attack, or feel overwhelmed.

Once instance recently in my ballet class I was working with a few group members on choreography, and became easily frustrated, started crying, and was unable to calm down and stop crying for about the last 15 minutes of class. Even when my professor attempted to talk me through what was going on.

I've also had numerous instances of crying in my stats professor Dr. 's office, and in her classroom including during exams, where I've had to step out as well to decompressing. Although both issues on the surface were about the content of the class and my inability to grasp it, underneath the crying episodes were because I was so distressed and emotionally exhausted from this experience. I've failed to complete assignments, failed tests and quizzes, been absent from class, and not put in the effort that is consistent with my standard of work because it's so hard for me right now. I cannot concentrate, it takes a lot of effort for me to even make it to class, and it's so hard for me to complete outside work due to having no energy or motivation anymore.

has taken a lot from me. One of the most obvious things that robbed me of was my first sexual experience, one that I hoped would be happy and one that I was saving for a serious committed long term relationship and potentially even marriage. I fear that every intimate experience I ever have or even simple interactions with other men would be tainted by this experience. They already have been. Dating is completely out of the question for me at this point.

Another simple thing has taken from me is time. Time that I will never get back. Time spent analyzing, time spent second guessing, time spent questioning my self-worth, memory and my sanity, Time that I could have been spending with friends, some of whom I will never go to school with again because they graduated. Time spent questioning who I should tell about what happened and who I shouldn't, time spent questioning the ways in which they respond that seem unsupportive. Time spent questioning who my true friends are and who is just enjoying my drama.

Feeling that I must convince others that it wasn't in fact my fault, and time spent convincing them of that. Time spent questioning the advice others give me, solicited or not, and balancing how they feel with my own experience. Time I could have been sleeping, but couldn't because I was haunted by the disturbing memories and racing thoughts. Time I could have been going to class but couldn't because I was so sadden by what has happened to me that sitting in class and paying attention and taking notes felt impossible. Time I could have been studying but couldn't because I couldn't concentrate. Time spent wondering if any steps I took in a problem solving direction would be wasted.

I have spent so much time on this campus since this happened to somehow remedy what happened and to make myself feel safer in whatever ways possible. I've spent more time in the office of Student Rights and Responsibilities than I can count, had numerous times talking to sexual assault victim's advocates Dawn and Talcott, had two occasions talking to the Health Center, talked to my Resident Assistant, spoke with Campus Safety twice, talked to my Hall Director, talked to professors, spoke with the Title IX

Coordinator, and wrote email after email. All of this has required so much energy that I don't have. It's hard for me to advocate for myself. I've had to do that so much since this happened.

I also spent a lot of time trying to decide whether or not I wanted to report to the school or law enforcement. Initially I think I felt anger towards the school for failing to protect me for allowing a dangerous student to slip through the cracks. How can a school that advertises care for others, active bystanding, and it being on us have a student enrolled with such a blatant disregard for the feelings of others. In the initial stages, I was not sure how much the school could really help me. I feel they could only offer me a grueling process where I would have to repeatedly live my trauma in detail, question my own truth and sanity along the way, only to perhaps have the school protect the rapist. This was not something I felt ready for.

I had so much trouble even talking about what happened to me it felt like there was no easy repair, no decision with clear benefits, and I felt that even if he were punished with prison time, my pain would still persist. There's no justice.

I told myself I would try to get through this semester before I proceeded with anything, that I would just focus on school, and I've had so much trouble getting through this semester. That plan did not work. I began to fear for my safety increasingly. I decided that either he was going to leave the school or I would, and I wanted to know what was going to happen and reach a decision before the start of the fall semester. I knew that if he sought legal counsel it could take up to six months, and even if I reported it on the first day of fall semester, that it could still take a few months. Every day I worked up the courage to speak my truth and tell my story until eventually I decided to take the plunge and risk having this process be just as traumatic as the assault itself.

This experience has impacted my relationships. I feel a sense of distance between myself and my friends because they cannot sustain sympathy for so long over this issue. They want to be there for me, but it must be exhausting and many of them don't understand, they can't understand, so I've given up trying to talk about it. They ask me if I still think about it and one of them even suggested to me that I should have moved on from it by now. I'm closed off, I'm irritable, socializing feels so effortful. How can we talk about all these trivial things and pretend that nothing is wrong when my perpetrator still walks around campus as if it didn't happen. Nothing else feels like it matters. How can we talk about my friend's romantic lives and consensual sex without it stinging? I try to be there for them but emotionally I am not, I cannot be. It is not fair to them.

In addition to my friendships, my relationship with my mom and dad have been negatively impacted by this experience. I've gone home several weekends and even on nights during the week when I just need to be around the people who know me better than anyone else here. In their desire through their behavior to pretend like nothing has happened has been incredibly invalidating and hurtful. My parents have been such a support for me through other negative experiences in my life and through challenges while at college, and having their support these past few months would have been so helpful.

Although I don't have the closest relationship to my dad, my mom is my best friend. I originally chose not to disclose to my mom what had happened to me or to have her take me to the hospital because I

feared that she would become overly involved and protective, and report this case, even when I was ambivalent about that. She has not. I told her shortly after it happened, and I was surprised by how unresponsive she was. When I share with her tidbits about how I am doing, she asks me how she can help me, and I don't have an answer.

I wish she could take my pain away from me, but she can't. I wish she could have protected me from this happening to me, but she didn't. I think she blames herself for this. My father has never spoken to me about this incident, although he was made aware of it by my mother, and I am told that he expressed deep anger and wanted me to inform authorities. The only related thing that happened was, he became angry with me when I told him I would have to retake statistics yesterday. The fact that he has never once brought it up to me makes me feel that perhaps he thinks I was making it up and being dramatic, and I have since moved on. That is not the case.

My mom has discouraged me from reporting this in any manner, because she thinks it could be worse than the assault itself. I need to be aware that no one exists in a vacuum. I may not have a ton of friends at PLU, but I have a few. And I have faculty members who I know care about me too, and family and friends that care about me outside of PLU. They have seen me hurting, they have seen me suffering as much as I try to hide it, and they are in pain too, second hand. Even strangers have approached me and asked if I was ok on this campus, concerned by my public displays of distress. This is bigger than just me and him. This affects more than just me.

I do not enjoy activities I participated in that have previously brought me joy. I cannot dance, sing, do crafts, bake, or write without feeling like no matter what I do, nothing can rid me of all this pain that I feel trapped within me. My mom has to beg me to bake when I come home, something that I had done for my family multiple times a week when I was with them. This memory is too prevalent in my mind for these things to distract me more than momentarily. All of these were activities that I used to cope with the stress of school and other things in my life which were effective in serving that purpose previously at times.

Dance has been impacted because of its bodily connection. I cannot look in a mirror in the dance studio without seeing my body and hearing my perpetrator's comments on it, without seeing his hands all over it, without feeling disgusted by him and the way that my body was used. I feel like my body does not even belong completely to me anymore, that I no longer have control over it, something I have sought so tirelessly to obtain with my eating disorder over the past few years.

This has extensively impacted my mental health and physical health in a negative way. This has increased my anxiety as well as worsening my depression and eating disorder. Prior to this incident I was about a year free of purging, an accomplishment I was proud of. Since this incident, I have reverted to this negative coping behavior and I have been making myself throw up multiple times a week in my room, in Starbucks cups and plastic bags so the girls in my hall don't hear me throwing up in the bathroom. Throwing up may seem like a violent behavior, but it's hard to think about other things when you're doing it. It is a way for me to numb myself from all this hurt. I am lucky that I have not had to be hospitalized for dehydration and electrolyte imbalances. Others have expressed concern for this. Even if

I am not dangerously dehydrated, participating in this behavior exhausts me to the point that it impacts my ability to fully participate as a student.

In addition to the purging, I have also been intensely restricting my food intake. Starving myself again helps me to distract myself from the thoughts and memories I have surrounding this incident and numb myself. Going to treatment for my eating disorder was never something that I had in mind for my plans for the summer. Now this is a reality that I face because the purging and restricting is such a disruption in my life and because of the new connection between my body image and my trauma.

Additionally, as for physical health, two weekends ago, the weekend before finals, I spent my Saturday night first at urgent care and then in the emergency room. I was vomiting repeatedly that afternoon and not keeping anything down. This was partially due to a withdrawal from a medication I take to sleep, but I have stopped taking this medication before for a day or two in the past when I could not get it refilled in time and not thrown up. The nurses and doctors thought that this reaction was exasperated by stress. Yes, some of the stress was due to finals, but a lot of it was due to the stress that this reporting process has had on me, and the stress of having this happen to me. I had to have an IV with anti-nausea medication and fluids because I was unable to keep oral anti-nausea medication down. My time in the emergency room was lengthened because I had mentioned something about my assault and the stress to one of the nurses, who suggested I talk with the social worker there and speak out to the King County Sexual Assault Resource Center.

I have anxiety about other women on campus experiencing violence at the hands of my perpetrator, and feel a duty to attempt to protect them, and guilt that I had not done this earlier. [redacted] wants to speak about the way that I humiliated him and ruined his reputation at PLU, but he had had one before I came along, and before I began this process, I just wasn't aware of it. I remember feeling scared and sorry for [redacted] when I first met her. The number of women I have heard of who have experienced unwanted touching, sexual coercion, and sexual harassment from my perpetrator is several. Some of it is just rumor, but a few of them have spoken to me themselves. They've been unwilling to come forward because they see it as insignificant. This makes me sad. I worry for girls who are completely unaware of him, for young, new incoming freshman who may fall prey to his perpetration, who are not as aware of resources on campus as I was, and have yet to become connected to others on campus. Who may feel isolated and alone.

I worry for the women who he would have power over who were enlisted in the military, who would be silenced, who would not have a voice and the ability speak up as I do. [redacted] s pattern of behavior should be taken into consider when making the final decision in my case. I believe that he serially does this to people; my case was not a special one-time mistake. Simply suspending him until I graduate is an inappropriate punishment. I may graduate in as little as one year, two semesters. His own ex-girlfriend cites his questionable conduct in writing. Unless he significantly remedies his behavior, he's a threat not only to me, but to other women on campus and in the outside world as well. It baffles me that someone who wants to be in the military and then be a police officer someday, someone who is supposed to protect others, someone who enforces laws, could attack multiple people in such a violent way, and repeatedly break the law.

I have obsessive thoughts about this. I think about it so many times a day, every day. A word or a sight or a sound and I'm back there instantly to that afternoon. The whole sexual assault awareness month did not help me, serving as a repeated reminder as to what happened to me. I could not get away from it, even on the coffee sleeves at OMM. When the posters first emerged, I remember feeling so angry that it was so convenient, so fitting and great that this school was aware but it had already happened to me.

may claim that everything that happened between us was consensual, but the consent was not verbal, it was not consistent, and it was not enthusiastic. I was not sure if the people who actually needed to become aware through sexual assault awareness month would ever actually listen.

On the day of Take Back the Night, I stayed at the nearby church before and after my voice lesson because participating in that or even hearing it would have been so triggering for me. I also missed one of my first friend's here at PLU, \_\_\_\_\_'s play, Out of Silence, because of its content with rape and abortion. My mom and I previously regularly watch Law and Order Special Victims Unit together, but I'm avoiding it. There are a lot of recordings backed up in our queue. There is content that I actively avoid because it's too painful but a lot of it is unavoidable.

Our society is filled with reminders. Rape culture is everywhere, rape jokes are everywhere. I deal with several different feelings every day, vacillating between them. These include, but are not limited to, sadness, anger, apathy, confusion, shock, shame, disgust, nostalgia for my initial interactions with my perpetrator, hopelessness, compassion, and pity. I also feel very used. It is a full time job to experience these feelings and manage them. To sit with them, and it competes with my other full time job, which is that of a student. It also competes with my other responsibilities as a friend and as a daughter.

I'm so sad, I cry because it's not fair. I was treated with disrespect. I had so much fear. Afraid of STDs, of pregnancy, of carrying this new shameful secret, of people finding out, of telling my friends, of telling my family, of people not believing me, of reporting this only to be taken seriously, in fear of my perpetrator and not knowing all that he was capable of especially when he felt threatened.

I'm haunted by what ifs and irrevocable circumstances. I'm haunted by my own desperate pleas as he thrust himself inside me over and over again. I hear my own quaking voice, my own cries, my own exclamations of 'you're hurting me' and 'please be gentle.' I hear this in my nightmares.

I wish I could console that girl that afternoon, naked on a cold leather futon, questioning everything that she'd ever been taught about how to behave around men. Body stiffened in terror, throat closed up, willing herself to say something, anything, something assertive. I wish I could hold her like a child and protect her. I wish I could tell her that she did not have to be polite and did not have to say it was ok when it was not. I wish I could tell her that her words mattered, her feelings mattered, and her choices mattered. I wish I could tell her that she deserved so much. More than sex, void of all feeling, then violence, then empty compliments and promises.

My already low self-esteem has taken a toll as every day I feel the defeat of not being listened to or heard and the pain of facing my fears and expressing my wishes even when it was hard, only to have

them disregarded. I wake up every morning and then I immediately remember what has happened. I can't believe it. I can't believe it happened to me. I wonder what personal flaws I have that caused this to happen to me. I wonder if he knew I would be an easy target; naïve, gullible, a people pleaser, a push over, shy, and timid, someone who would never tell on him. I'm the one you would never expect, the one you would expect to shrink back and mind her own business, the one whose anxiety would probably get in the way of her ever speaking out.

What happened to me has left me so shaken up that I can't stomach food, regularly vomit, can't sleep, can't study, can't walk around campus with a mind at ease, can't even wear certain things without being flooded with invasive, traumatic memories.

There are a few final things I would like to address. The first are changes to the interim measures provided to victims particularly within the No Contact Order. All information about both parties involved in the No Contact Order should be investigated before its implementation. This includes but is not limited to where they live, their living plans for future semesters, their current schedule, their schedule for future semesters, and their extra-curricular whereabouts. If one of the parties is unwilling to share their schedule with another, then Student rights and Responsibilities should look into their schedule, make sure that the parties will not be in the same vicinity at an overlapping time, and make this knowledge available to both parties.

It should be emphasized that both parties are responsible for upholding their end of the No Contact Order, not just the victim in this situation. This means choosing not to go into an area where the other person is.

Finally, in the case of a No Contact Order, swipe access should be completely disabled so that each party cannot go into the other party's building. If you ask my opinion, at the start of an investigation not only should a No contact Order be implemented, but the Respondent should be removed from campus to further prevent retaliation. I feared every day that I would come back to my room with writing on my door or hate mail slipped underneath.

Additionally, throughout these past few months, questions have come up to me about the ROTC program and how the program here deals with poor student behavior. I want to know how sexual misconduct allegations within the program are handled, and if staff there or even students within leadership positions are responsible for reporting to Student Rights and Responsibilities. I am aware that ROTC is its own entity and operates under its own jurisdiction, however I know that they are still a part of this school. I worry that knowledge and reports of incidents may have been hidden and covered up to protect individuals who have leadership roles within that organization which brings in money for the school.

I am told they have a sexual assault prevention program within the organization called SHARP, but that students do not take it seriously at all, saying the only thing that is Sharp here are the rocks that we walk on. This is not ok. I want there to be further investigation into this matter. It would behoove everyone to work to change that program to make it more effective.

I also want to look into the program at this school overall. The values that it may instill and the messages that it may send, particularly about violence, women, and power. The culture of misogyny and rape culture go hand in hand."

**Investigator Comments:**

The Complainant came into the interview visibly shaken, and asked for several breaks throughout the interview. This is consistent with someone that has been highly impacted and has some trauma. The Complainant, when asked to recount the story again, read from her narrative, which made her story consistent. The Complainant was highly emotional throughout the conversation, and seemed very genuine in her emotions. The Complainant had also prepared her impact statement, and read that when asked the question, which made it very thought out and comprehensive. The Complainant had a very specific level of detail regarding the incident, but was also able to express if she was not sure (for example, the virgin conversation, in which she believes happened at a certain time). Overall, the Investigator believes that the Complainant is highly credible in her statements.

**Respondent Follow-Up Interview Summary –Thursday, May 31, 2018 8:30am**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Respondent  
Legal Counsel for Respondent

**Interview Summary:**

*Because this interview was a response to the initial report, questions asked are displayed in italic font, with the Respondent's response following. Questions were asked by the Complainant and the Investigator.*

*Do you have anything to respond to or correct from the initial report? (Investigator Question)*

The Respondent believed that the Complainant's sequence of events were "jumbled," and said that the Complainant left out the interaction between the Complainant and the Respondent about a month after the alleged incident happened. The Respondent said that the Complainant had SnapChatted the Respondent saying that she had made a bunch of baked goods, and asked the Respondent if he wanted any. The Respondent believes this is important to add in the report.

The Respondent also said that in the report, the Complainant said the Respondent told her that his father was a police officer. The Respondent says that his father is not a police officer, and that he has never told the Complainant that fact, so he is not sure where she got that information.

*You previously mentioned that you met the Complainant in OMM, got SnapChat information, and then asked to hang out. Do you remember how you asked the Complainant to hang out? (Investigator Question)*

The Respondent does not remember what prompted them to hang out; the Respondent said that he does not particularly remember how he asked the Complainant to hang out.

*When you typically ask someone to hang out, is there a typical way you do it? (Investigator Question)*

The Respondent said there is nothing in particular, it depends on whether he is more comfortable with that person or not.

*Are you able to remember when you did ask the Complainant to hang out, any thoughts or feelings that you had? (Investigator Question)*

The Respondent said the Complainant seemed like a "pretty cool person when I met her at OMM." When the Respondent and Complainant talked, the Respondent said that the Complainant engaged in conversation right with him. The Respondent said that he was not looking for a relationship during that time, so there was not any thought on a relationship or sexual activity at that time.

*As much as you are able to remember, can you walk me through the steps of what happened once you got into your room on the day of the interaction? (Investigator Question)*

The Respondent said that they went to the Respondent's room, and the Respondent immediately shut the blinds, as they are usually always shut. The Respondent went to turn on the Xbox and the television, and got Netflix going. The Respondent pushed the futon down, got 2 pillows and a blanket, and sat down on the futon with the Complainant.

The Respondent said it all started with the Complainant and him cuddling, as they originally planned to take a nap. The Respondent said that the Complainant had to be somewhere, and so they set an alarm. The Respondent and the Complainant were laying on the futon, "attempting to take a nap for about ten to fifteen minutes."

The Respondent said at that point, the Complainant and the Respondent transitioned into cuddling, physical contact with kissing, and touching. The Respondent said cuddling was being close with their arms around each other, skin to skin contact, and "big spoon, little spoon stuff."

This transitioned to physical touching, like rubbing up and down the leg, things like that. The Respondent said at that point the Complainant turned towards the Respondent as the Respondent was already looking in the direction of the television, and they started kissing. The Respondent believes that the Complainant had not shown any signs of "discomfort or any type of being in an uncomfortable state of being." The Respondent says that in the report, the Complainant said that she verbally expressed that she was uncomfortable, but the Respondent said that this was not true, and that the Complainant never said she was uncomfortable.



The Respondent said that he and the Complainant would be kissing, then "taking a pause to look at each other, and then more kissing." The Respondent said that he started touching the Complainant, moving his hands on her. The Respondent said the Complainant did not express any signs of discomfort, and so the Respondent said he was able to progress to where it did, with him putting his hands under the Complainant's bra and other things.

The Respondent cannot remember any body movements from the Complainant, but said that the Complainant was "never pulling away or pushing me away."

The Respondent said that once they continued touching and kissing, the Respondent felt like "this is transitioning to something a little more advanced," and got up from the futon to get a condom from his dresser. As the Respondent was up from the futon, the Complainant said "what if I told you I was a virgin?" The Respondent, understanding that it is a big deal for most people, said he put the condom down and went to sit back down on the futon with the Complainant.

The Respondent said that even though the Complainant was older than him, he said the Complainant could "clearly at that point, able to see that I was not a virgin, and so my comfort level with sex was most likely going to be different than hers." The Respondent told the Complainant that she had every right not to have sex with the Respondent, but the Complainant did agree to engage in intercourse. The Respondent remembers this conversation as the Complainant talking about being a virgin, and the Respondent talking about how if sex is an important thing, she has every right not to have sex with the Respondent. The Respondent remembers explaining to the Complainant about how he lost his virginity, and the Respondent did express that he had a more casual outlook on sex than the Complainant has, saying he does not "hold it as dear as others have." After talking that through with the Complainant, the Respondent said that the Complainant said "ok" to having sex.

The Respondent said because the Complainant agreed, the Respondent got back up from the futon and went back to get a condom. While the Respondent was getting a condom, the Complainant removed all of her clothes on her own. The Respondent said that he removed all of his clothes at that time, and put the condom on.

The Respondent said that the Complainant was laying down on the futon, and had situated the pillows to make herself more comfortable. The Respondent got on top of the Complainant, and inserted his penis inside of her vagina. The Respondent said that when he did enter the Complainant, and knowing that she was a virgin, he knew that he was going to go slow and not try to hurt her. According to the Respondent, sex should be pleasurable for both parties. The Respondent said when he started thrusting, it was "not aggressive by any means."

The Respondent said that during this time, the Complainant did "show signs of pain and discomfort," and so the Respondent stopped. The Respondent said that the Complainant's facial expressions showed signs of pain when he penetrated deeper. The Respondent said that the Complainant did not push him

off nor did she say stop, but could visually see the signs of discomfort on her face. This is when the Respondent stopped.

The Respondent then suggested engaging in anal intercourse, which the Complainant agreed to doing. The Respondent said he would not have inserted himself inside of the Complainant unless she agreed to it. The Respondent said they did not have any lubricant except saliva and the lube on the condom.

When the Complainant and the Respondent engaged in anal sex, the Respondent said the Complainant expressed less signs of discomfort, and verbally told the Respondent that it felt much better. The Respondent said that they had anal sex for a little bit longer, that nobody orgasmed, but both stopped.

Once the Respondent stopped, he got up, removed his condom, and disposed of it. The Respondent said that he was confused about the Complainant saying that she and the Respondent went into the bathroom afterwards, because he said the bathrooms were far away and they would have had to do that naked, based on what the Complainant said. The Respondent recalls both he and the Complainant putting their clothes back on after this.

The Respondent also states that he did not notice any bleeding from the Complainant. He said that there was no blood on the condom or on the futon. The Respondent also does not recall the Complainant leaving the room, and believes that neither of them went to the bathroom after that.

The Respondent said that after they both clothed themselves, the Complainant and the Respondent went back to the futon and talked some more. The Respondent said that in the initial report, it said that the Complainant sat at the corner of the futon and both seemed distant, but the Respondent said that wasn't what he believes happened. The Respondent said the Complainant was sitting down "comfortably," with her arms up around the pillow, and the Respondent laid his head in her lap, with Netflix still playing. The Respondent said they engaged in "casual conversation," talking about different things. The Complainant had brought up a potential relationship between her and the Respondent. At this point, the Respondent said that the Complainant brought up how she takes dating seriously, and that she was looking for a relationship, which is where the Complainant talked about the potential relationship. The Respondent told the Complainant at this point that he is not interested in a relationship. The Respondent said he felt bad telling the Complainant that he did not want a relationship, but that he did have a lot on his plate at the moment. The Respondent reiterated the selfishness of him being an officer in the army, and that he needed to find the right person to take on that burden.

The Respondent said in the report that the Complainant said the Respondent's roommate texted to say he was coming back to the room, which prompted the Respondent to ask the Complainant to leave. The Respondent said that this is wrong, and that his roommate is not a member of cross country. Additionally, the Respondent said that they had set an alarm for a reason, because the Complainant said she needed to be somewhere, although the Respondent cannot remember where the Complainant said she needed to be.

The Respondent said he never instructed the Complainant to leave, but that it was an "obvious thing," in which it was just time to leave. The Complainant asked the Respondent to walk her back to her hall, which he did not have a problem with. The Complainant took off the Respondents' sweatshirt, gave it back to him, and he hung the sweatshirt back in the closet. They left Pflueger, walked to Kreidler, and the Respondent said that they talked the entire way about different things.

At Kreidler, the Respondent expressed to the Complainant that he had a "really good time with her," and the Complainant said the same thing back to the Respondent. The Respondent said the Complainant had a "bright smile, not like a fake smile that anyone can see," on her face when she was saying goodbye.

*During any sexual interactions, do you remember the Complainant being hesitant at any point? (Investigator Question)*

The Respondent said no

*During any sexual interaction, do you remember the Complainant saying stop at any time? (Investigator Question)*

The Respondent said that the Complainant said "stop," while they were engaging in anal intercourse. The Respondent said that he did not come to an orgasm because she told him to stop, and he removed himself from her. The Respondent said that she did not explain why she said stop, and he did not ask why she said stop.

*You previously mentioned that once the activity turned to touching and caressing, that you believed the Complainant's body language showed "a desire to engage in this type of activity." Can you explain what this means, and what the Complainant's body language was like? (Complainant Question)*

The Respondent said that if someone is stiff as a board, they obviously are not comfortable and do not want to be in that situation. The Respondent said that neither the Complainant nor the Respondent were "stiff as a board" during their interactions. The Respondent said that you can tell when you touch someone whether they are comfortable or not, and said that the way the Complainant was laying and the way she was looking at him in his eyes, "100% showing signs of a desire to want to be in that position."

The Respondent said that when they were just cuddling, the Respondent's arm was around the Complainant. The Complainant had "no problem taking her hand and running it through my fingers to hold my hand." The Respondent said that the Complainant did all the touching on her own.

*You stated that the Complainant "verbally agreed to sex." Can you explain what words were spoken and how you know that the Complainant agreed to have sex with you? (Complainant Question)*

The Respondent does not remember the exact words said, but knows that they talked about the Complainant being a virgin and the two of them having sex, in which the Complainant "had agreed to go along with what we were doing or else I would not have gotten up to go get my condom," and the

Respondent said she would not have taken her clothes off, as he did not make her take her clothes off. The Respondent said only because the Complainant agreed to having sex did he move forward with getting the condom.

*When you proposed anal sex to the Complainant, can you remember what that conversation was like? (Complainant Question)*

The Respondent does not remember what was said. The Respondent remembers asking if they wanted to try anal sex to see if it would be any better for the Complainant, and the Complainant agreeing to it, and did say "be gentle," after she agreed to engaging in anal sex.

*You said the hang out ended because the Complainant had a place she needed to be. Do you remember the conversation and where the Complainant needed to be? (Complainant Question)*

The Respondent does not remember

*The next day on SnapChat, you told the Complainant that there was "nothing to talk about," even though the Complainant said she was not ok. Why did you think there was nothing to talk about? (Complainant Question)*

The Respondent said that the Complainant kept "pressing" a potential future between them, and the Respondent did not want to "string her along." The Respondent thought he had made it clear that he did not want to be in a relationship, but it seemed like the Complainant wanted to talk about a future and a potential relationship between the two. The Respondent said there is nothing to talk about, he had a good time with the Complainant, and he hoped that they could still be friends. The Complainant said that she would like that.

*On page 13, the Respondent had said that "I do deny the false accusations she may have in there." Can you explain this statement further? (Complainant Question)*

The Respondent said the false accusations include the words the Complainant uses, including the word "rape," and the charge letter language of "non-consensual intercourse" and "non-consensual touching." These are what the Respondent is speaking about.

*On page 14, during your initial interview, the Respondent said that the Complainant wanted to be in the Respondent's room. What made you believe that the Complainant wanted to be in your room? (Complainant Question)*

The Respondent said that he believed that the Complainant seemed to want to be in his room. The Respondent said that the Complainant made no verbal expressions of discomfort. Both parties had agreed to go to the Respondent's room. Additionally, the Complainant made no move to leave the room, nor did she verbally say she was uncomfortable in the Respondent's room. The Respondent said that if he is in an uncomfortable situation, that he would tell someone that he was uncomfortable and leave the situation. In the report, the Complainant said that she feared for her safety, but the Respondent said at no point was the Complainant restricted to staying in his room. The Respondent said that at "no point was I holding her down, the door was unlocked from the inside."

*On page 14, the Respondent said he was only getting "positive vibes" from the Complainant. Can you talk more about what those positive vibes looked like? (Complainant Question)*

The Respondent said he is going off of his experience, having relationships every so often. The Respondent said that he can see positive and negative vibes, and it's one of a human's natural instincts to see. The Respondent said that if someone is showing positive vibes due to their body language, their vocal expressions, the inflections in a person's voice, their eye contact, the Respondent said that people can feel those vibes deep down. The Respondent said that it's a deeper analysis, but that he's been shown how to read people. Because of that, the Respondent said that he was reading positive vibes from the Complainant.

The Respondent said that the Complainant talked about having self-esteem issues, but that the Complainant talked to the Respondent "just fine, and there was almost a very strong piece of confidence in her ability to talk about her self-esteem issues. Which in turn made me feel like she was more comfortable talking to me." The Respondent felt like the Complainant was comfortable with him.

*On page 14, the Respondent had said that the Complainant was willing to try anything. Do you remember the Complainant saying this at any point? (Complainant Question)*

The Respondent initially did not recall that, but said there's not a direct answer to that question. The Respondent said that the Complainant never said that she was willing to try anything, but that the Respondent meant that the Complainant was kissing him, and personally had a good feeling. The Respondent said that there was a "direct reciprocation" of physical contact, which is what he meant with the Complainant being "on board" with anything.

*When the Respondent said that the Complainant was "moving her hands on me in sensual ways," can you talk about what that meant? (Complainant Question)*

The Respondent said that just like when the Complainant grabbed his hand to hold it, when the Respondent and the Complainant turned towards each other, the movements were reciprocated. The Respondent said that the Complainant had her arms on the Respondent too.

*When the topic of the Complainant being a virgin was brought up and the Respondent said that he did not seem to mind, and the Complainant said that she did not seem to mind, can you explain what you mean by that? (Complainant Question)*

The Respondent said he did not mind, he was not a virgin, and said that sex to him was not as "dear as some others hold it." The Complainant did not seem to mind because the Complainant agreed to "engage in intercourse with me."

*Did the Complainant say anything to express discomfort during sexual intercourse? (Complainant Question)*

The Respondent said that the Complainant did not say anything. The Respondent said he did acknowledge the Complainant's "facial expressions, and the sounds that she was expressing weren't sounds of pleasure, but were sounds of pain and discomfort, which is why I stopped." The Respondent said there was no conversation about this discomfort.

*When the Respondent talked about the Complainant wanting sex that wasn't a "one time thing," what made you believe that? Can you talk more about that conversation? (Complainant Question)*

The Respondent does not exactly remember those words being said, but the Respondent believes that it came from the Complainant's desire to be in a relationship with the Respondent.

*During sex, do you remember how the Complainant engaged during it? (Complainant Question)*

The Respondent goes back to the movements being reciprocated, and said that while he was on top of the Complainant, the Complainant had her arms on the Respondent's arms and back. The Respondent said that the Complainant was not just lying there with him doing everything. The Respondent said that the Complainant's hips were moving with him, which showed that the Complainant was an active participant and did not back away or remove herself from the situation. The Respondent felt like with the Complainant there "was an attempt to potentially enjoy what was going on." The Respondent said he made the decision to stop because of the Complainant's pain, and that the Complainant did not tell him to stop.

*When Witness 4 told the Respondent that the Complainant was the one alleging these violations against the Respondent, the Respondent responded with "who?" The Complainant wants to know if the Respondent is not able to specifically remember who the Complainant is, is the Respondent able to remember what happened. (Complainant Question)*

The Respondent said that when Witness 4 said the name of the Complainant, the Respondent could not remember the name. The Respondent said he could remember the actions, the name just was not significant to him. Once the Respondent looked up the person, he then remembered. The Respondent also said it was over a month after the "alleged incident happened," which led to that as well.

*When the No Contact Order was executed, the Respondent said that it was "weird." Can you explain why you felt that was weird, given what Witness 4 had told the Respondent the Complainant believed? (Complainant Question)*

The Respondent said it was weird for a couple of reasons. The Respondent said that after their interaction, the Respondent and the Complainant walked back to the Complainant's hall, hugged, and both said that they had a good time. The Respondent said he was being very honest, and that he did have a good time with the Complainant. The Complainant said the same thing to the Respondent. The Respondent then said in the texts following, they said they would like to be friends. The last exchange that the Complainant and the Respondent had was the Complainant asking the Respondent if he wanted cookies, about a month and a half after the alleged incident. The Respondent got a positive vibe from that, which was the last interaction the Respondent had with the Complainant.

The Respondent said that it was weird that "one second you're asking me if I want cookies, and the next second you are asking for a No Contact Order against me." The Respondent said he was so confused and hesitant during the No Contact Order conversation because of that.

The second thing the Respondent felt was weird was that the Complainant asked for a No Contact Order against the Respondent's girlfriend at the time, Witness 4. Witness 4 told the Respondent that the Complainant was so nice and willing to help out Witness 4, and then the next thing that happens is that the Complainant is taking out a No Contact Order against Witness 4. The Respondent said that it just did not make sense to him.

*Before engaging in any physical activity, whether it be making out, kissing, or anything, did you and the Complainant have a conversation on sex or any of your feelings on that? (Investigator Question)*  
The Respondent said that they did.

*When you and the Respondent started kissing, are you able to remember who initiated the kissing? (Investigator Question)*

The Respondent said that up until the point of kissing, he was the one that initiated the physical contact. However, the Respondent remembers that they were both on the futon, and said that it was more of mutual initiation.

*Before intercourse happened at all, did the Complainant touch you? (Investigator Question)*

The Respondent said that the Complainant did. The Respondent said that the Complainant wrote in the report that the Respondent took the Complainant's hand and placed it on his genital area, in which the Complainant "whisked it away." The Respondent said that if this were the case, he would have taken it as a sign to stop the interaction. The Respondent said that is not how it went. The Respondent said that while they were kissing, the Respondent did take the Complainant's hand and place it on his penis, and the Complainant took her hand and moved it up and down the penis in a gentle way, not a quick way.

*On the afternoon that you had planned to hang out with the Complainant, did you talk to your roommate about wanting the room? (Investigator Question)*

The Respondent cannot remember what he talked to his roommate about. The Respondent said that he would have friends come over, regular friends and girls, and would ask to borrow the room, which was not out of the ordinary. The Respondent cannot remember if he did that on the "alleged day," but says that his roommate was busy on that day, and would not have been back to the room until later. The Respondent said it would have made sense and was not out of the ordinary to talk to his roommate about that.

*Is there anything else you think the Investigator should know? (Investigator Question)*

The Respondent said he wanted to talk about the situation with the blinds in his room. The Respondent said it seemed aggressive, the way that the Complainant said that he "immediately shut the blinds" upon entering the Respondent's room. The Respondent said that in reality, he and his roommate keep the window and blinds closed because of the computers and papers on the desks not getting ruined. The Respondent said the blinds getting shut seemed "irrelevant" to him because he always knew how his blinds were.

The Respondent also wanted to address the fact that the Complainant did not go to law enforcement to report this alleged incident, and that the Complainant mentioned the Respondent's "police officer dad" would complicate things for her. The Respondent was confused as to why the Complainant really did not go to the police, especially if she thought he had "raped" her.

The Respondent also wanted to state that the Complainant never said in her narrative that she received a "take home rape kit," even though she said she had received one earlier.

*How has this alleged incident impacted you? (Investigator Question)*

From the Respondent: "My mom and my dad have had three kids, three boys. My oldest brother just turned 28, my middle brother is 21, my oldest brother is about to take his first company command as an officer as a captain. My middle brother is at West Point. My father is retired from homeland security investigations special agent. And my mom, my beautiful mom, has been a stay at home mom forever and has taken care of all of her kids. I wouldn't say that I had a rough upbringing, you know, up until the point of my dad retiring, there has never been any type of worry ever in my life other than my mom and dad prompting me to make good grades and be a person of true honor and integrity.

Growing up with those values instilled in me, I didn't think any other opportunity would give me the opportunity to exemplify those values other than joining the military. But I knew I wanted something more than just joining the military, I wanted to be like my brother, I wanted to be an officer. He graduated from here in 2012. So I made that decision in 9<sup>th</sup> grade and I worked really really hard in high school to get a good GPA, do athletics, all that good stuff. I was the honor society president my senior year, and I received a three year national ROTC scholarship. [redacted] reached out to me and said "hey [redacted], you got the three year." About a month later he emailed me and said "M [redacted], your three year scholarship has been changed to a four year. You don't have to worry about paying for college." My mom and dad were so happy. I was so happy. I finally felt like I have done something worth recognition for my whole life, and got a \$250,000 scholarship to get a four year degree and become an officer.

So I did just that. I came to PLU. Within the first week of being here at PLU, I was voted to be the military science freshman level class leader for first semester. I received the cadet of the month the very first month of school. Continuing my motivations to do good, and staying virtuous to my being, to this day I do the same thing.

Everything is pretty regimented in my life. I respect everybody, and I feel like I am genuinely kind to everybody. There's never a time in my life when I want to hurt somebody. People say oh you want to be in law enforcement, you want to be in the military, you must be a pretty violent person. In all honesty I'm not, I'm just looking out for my future.

So coming into this thing, it has impacted my life in such an embarrassing way, a humiliating way, in a devastating way. I know that things like this in life happen a lot, where people have to be investigated for things, and the party that is being investigated, guilty or not guilty, they have to go through the



motions of being investigated and all the embarrassing stuff that goes along with it. And then, you think in your mind, you play all these games of "what if I am found guilty, what's going to happen to me now," For me, I know the truth, and I know what happened, so I'm just staying virtuous and understanding what's going to happen is what's going to happen, but I know I'm innocent and I know what the truth is, I just need to see this to the end and let PLU's process do its thing.

The most substantial way this has impacted my life is because all throughout my dad's life, he's had a gun and a badge. He's been authorized that. On his credentials it says what he can do, right. He's affected countless arrests. For the longest time, and even now, that's all I want to do, I want to be just like my dad and have all those same things. And if a sexual misconduct application comes up anywhere, for the military and for the law enforcement, you will not be able to take part of that.

And I know there's many many many stories of false accusations and false claims and whatnot and people actually go to jail and spend time, and later the girl comes up later and says 'yeah I lied about that.' And now that person's spent five years in jail and you can't get those five years back.

So I would say that's how it's impacted my life. Because my dedication to wanting to serve my nation not just as a soldier but as a police officer or as a special agent, as a social worker, could be potentially coming to a grinding halt because of a lie. And it amazes me that something so evil can come to fruition to someone that all they want to do is fight for the values of this country. Even for the people that are lying like that. So that is how it is impacting my life and my future."

**Investigator Comments:**

The Respondent came to the interview as confident as before, and seemed well prepared in what he wanted to say. The Respondent was quick to defend himself and the statements made by the Complainant. The Respondent was honest when a mistake was made, or when he could not remember something, which speaks to him not trying to cover up anything and that he is trying to tell the truth to the investigator. The Respondent genuinely seems like he wants to work with the investigation to find an answer, and it seems like he genuinely believes that he is innocent and that his statements are true. The investigator continues to find the Respondent credible, because of his honesty in statements, the confidence in which he talks, and the stakes in which he has to lose.

**Witness 4 Follow-Up Interview Summary –Friday, June 1, 2018 10:00am**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 4

### Interview Summary:

*Because this interview was a response to the initial report, questions asked are displayed in italic font, with the Witness's response following. Questions were asked by the Respondent and the Investigator.*

*Do you have anything you think the Investigator needs to know since our last conversation? (Investigator Question)*

Witness 4 said she does not have anything in particular, but she has been thinking about the question the Investigator asked her at the first interview, about anything that the Respondent had done that made Witness 4 "uncomfortable." Witness 4 said that she felt uncomfortable that the Respondent told her "I love you," even before Witness 4 and the Respondent were not official. Witness 4 said that it happened a week into knowing the Respondent.

Witness 4 said that this "made me feel pressured to say it back," and that she had a conversation with the Respondent, saying that she thinks they are moving "really fast." The Respondent seemed to agree with Witness 4, but a day later, Witness 4 said "it was back to moving extremely fast for not knowing him."

*Scenario: we were both laying on my couch and were making out as I was teasing you. When we were engaged in anal sex, I just about an inch inside your anal cavity and you stated for me to stop and take it out. My response was immediately removing myself from inside you. You had proceeded to say afterwards when I had asked if you were upset with me, again in a joking way, you had responded, "Babe, I'm not upset, you wanted to try something new and I let you." What of the following do you recall? (Respondent Question)*

Witness 4 said that all of this happened, but that before that situation, Witness 4 had told the Respondent repeatedly that she did not want to do this, and said no.

Witness 4 said that a couple of days after she was first interviewed by the Investigator, she called the Respondent to check in, and said that the conversation was "high blood pressured." The Respondent brought up this situation during that conversation, and the Witness said "dude, it doesn't really matter what I say afterwards, it's what I'm saying beforehand and if you're pressuring me to do something and I'm telling you no, you need to stop right away and not even try it, rather than try it without my consent and then have me feel bad about it and tell you, you know, it's fine afterwards."

Witness 4 said that "never once" did she tell the Respondent that they could try this.

*Scenario: I remember the context of getting the condom as follows. What of the following do you recall? I went to get the condom, had it in my hand and you had taken it asking me in a joking way, "what is this?" I said to you, "Babe?" You said "no," and I put the condom back because you needed to get to practice. (Respondent Question)*

Witness 4 said that this did not happen. Witness 4 said that she took the condom out of the Respondent's hand and said completely seriously, "what is this," and she was the one that put the condom back.

**Investigator Comments:**

This interview was done over the phone, so it was hard to read body language or other cues regarding credibility. However, I have no reason to doubt Witness 4, as it seems like she still has ties to the Respondent, and no ties to the Complainant, therefore, has more to lose than other witnesses and less of a bias from her experience.

**Witness 5 Follow-Up Interview Summary –Friday, June 1, 2018 9:30am**

**Individuals Present:** Connie Gardner, Title IX Investigator  
Witness 5

**Interview Summary:**

*Because this interview was a response to the initial report, questions asked are displayed in italic font, with the Witness's response following. Questions were asked by the Respondent and the Investigator.*

*After we talked last, is there anything you think the Investigator needs to know? (Investigator Question)*

Witness 5 says that he has not thought of anything else that is important or relevant to this case.

*When you both were roommates, how did you prefer to keep your windows and blinds set up? (Respondent Question)*

Witness 5 said that they always would keep the blinds closed so that rain would not get on their items, and would keep the windows open sometimes at night because they liked the cold.

*Why did you keep the windows and blinds like this? (Respondent Question)*

Witness 5 said that he has a "big desktop computer" that is next to the window that he does not want destroyed, and said the Respondent kept his laptop and books on the desk too, so they kept the blinds closed.

*On February 27, were you doing Cross Country practice? (Respondent Question)*

Witness 5 said he did not do Cross Country, but was a member of Track and Field and was probably there. Because February 27 was a Tuesday, Witness 5 said that he was pretty much gone from the room from 3:30-8:30pm. Witness 5 had track, then ensemble, and then dinner afterwards.

**Investigator Comments:**

This interview was again conducted over the telephone, so it was hard to read body language. However, Witness 5 answered the questions very matter-of-fact, and seemed to be giving appropriate and honest answers. The Investigator does not question the credibility of Witness 5.