

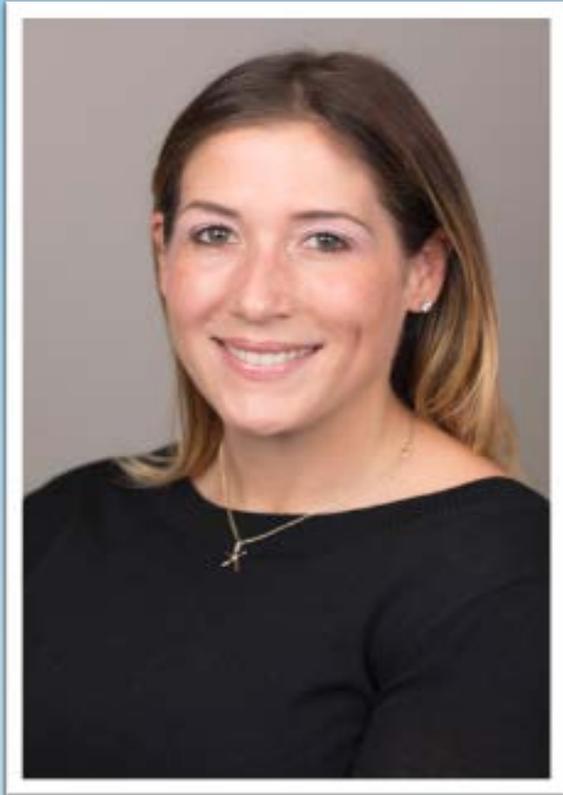


GRAND RIVER | SOLUTIONS

Report Writing Workshop

Chantelle Botticelli, J.D.

February 2022



Chantelle Botticelli, J.D.

She/her

Director of Strategic Partnerships
and Client Relations

Meet Your Facilitator

Chantelle Botticelli is a nationally-recognized subject-matter expert in Title IX and related fields. She has more than 15 years of experience in the investigation and adjudication of sexual and interpersonal violence. She lectures extensively at universities and conferences throughout the U.S. on Title IX, VAWA, harassment, and implementation of best and emerging practices. Prior to joining Grand River Solutions, Chantelle served as the Director for Institutional Equity and Title IX at Cornell University, and before that as the Assistant Vice President for Equity and Compliance and Title IX Coordinator at the University at Albany. In these roles, she provided direct, hands-on experience in the fields of Title IX, civil rights, employment law, and workplace and academic investigations. Her responsibilities included focusing on diversity efforts, sexual assault prevention and training, affirmative action, and protecting minors on campus.

About Us

Vision

We exist to help create safe and equitable work and educational environments.

Mission

Bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

Learning Outcomes

Identify relevant information for inclusion in an investigative report.

Identify and exclude irrelevant information from your reports.

Write a report that is understandable by someone without any experience in this space, and that can stand on its own without access to other documents.

Use simple, neutral, unbiased, and accurate language in your reports.

Ensure that the report accurately states policy language and is compliant with institutional policy and procedures.

Understand the importance of using a template that will contribute to the consistency of the reports generated.

Agenda

01

The Regulatory Requirements

02

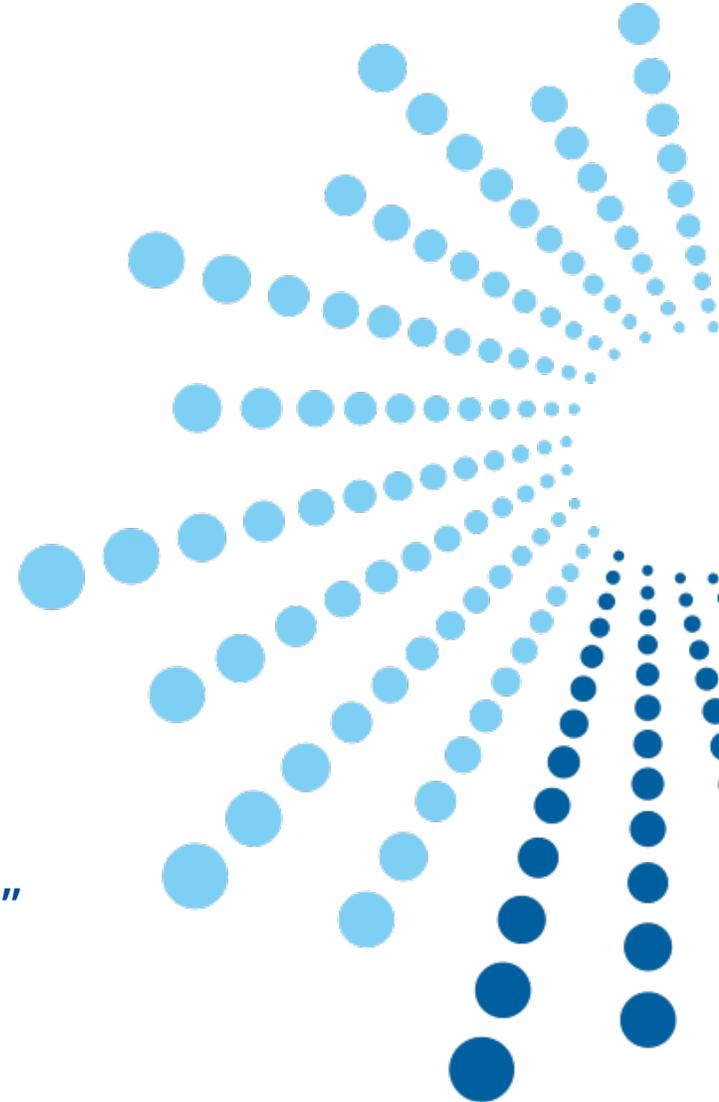
Structure of the Investigative Report and Record

03

Writing the Report: Developing the Content

04

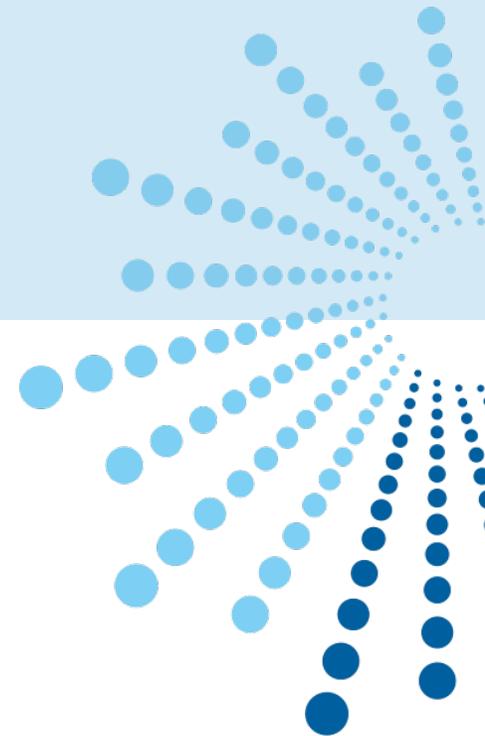
Developing an Investigative File and Report for “The Formal” Hypothetical





The Regulatory Requirements

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01

Essential Steps of an Investigation



Formal Complaint and Notice of Allegations



Investigative Interviews



Evidence Collection



Evidence Review



Additional Evidence Collection/Follow-Up Interviews



The Investigative Report and Final Investigative Record

The Products of Each Step of the Investigation



Notice of Allegations

A document that frames the scope of the investigation



Initial Interviews

Transcripts
Summaries of Interviews
Interview Notes



Evidence Collection

Text messages
Social media posts
Medical/police records



Evidence Review

Complainant's written response
Respondent's written response



Additional Evidence Collection/Follow-Up Interviews

More documentary evidence
Additional interview transcripts/summaries



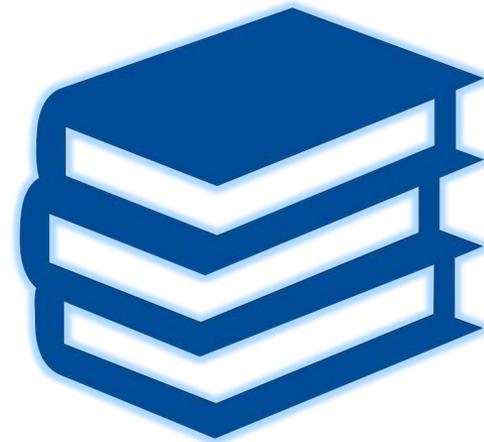
The Investigative Report and Final Investigative File

Report and Evidence File

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Summary of the Evidence



Compilation of the Evidence

The Investigator must create and provide to the Parties, their Advisors, and the Decision Maker(s) an investigative report that fairly summarizes relevant evidence.



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The Investigative File

The Parties, their Advisors, and the Decision Maker(s) must be provided with a final compilation of all of the evidence gathered that is directly related to the allegations in the formal complaint. This includes evidence that Investigator deems relevant and evidence that the Investigator does not deem relevant.



Directly Related Evidence

Regulations do not define “Directly Related” Evidence.

The Preamble states it should be interpreted using its plain and ordinary meaning.

Term is broader than:

- “All relevant evidence” as otherwise used in Title IX regulations, and
- “any information that will be used during informal and formal disciplinary meetings and hearings” as used in the Clery Act.

Includes evidence upon which the school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

Relevant of Evidence

Relevant Evidence

- “Evidence is relevant if:
- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.”

Irrelevant Evidence

- Prior sexual history of complainant, with two exceptions:
- Legally recognized and un-waived privilege.
- Including records related to medical, psychiatric, psychological treatment.

Who Decides?

Department emphasizes repeatedly in Preamble that Investigators have discretion to determine relevance.

- Subject to Parties' right to argue upon review of "directly related" evidence that certain information not included in investigative report is relevant and should be given more weight.

Investigators will have to balance discretionary decisions not to summarize certain evidence in report against:

- Each Party's right to argue their case, and
- Fact that decisions regarding responsibility will be made at the hearing, not investigation stage.

The Purpose of the Report

- To ensure that the recipient gives the parties meaningful opportunity to understand what evidence the investigator has collected and believes is relevant,
- To allow the parties opportunity to advance their own interests for consideration by the decision-maker.
- To give the parties (and advisors who are providing assistance and advice to the parties) adequate time to review, assess, and respond to the investigative report in order to fairly prepare for the live hearing or submit arguments to a decision-maker where a hearing is not required or otherwise provided.
- To allow the decision maker to adequately prepare for the live hearing, where one is conducted.
- To reduce the likelihood of bias in the final outcome by providing the parties and the decision maker(s) an opportunity to identify and explore potential bias by the investigator

See 85 Fed. Reg. 30309 (May 19, 2020).



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Intended Recipients

The Parties

The Advisors

The Decision Maker

The Appeal Panel

Other Recipients?

Friends of
the Parties

Parents

Law
enforcement

Attorneys

Judges

Media

Social media



Why is it Important to Write a Solid Report?

All of the reasons given by the DOE, and...

It allows you to recall the details of your investigation long after the event—this is important if there are complaints by or against the parties involved or litigation in the future.

It signals to others that the complaint was taken seriously—that it is important to the institution to get it right.

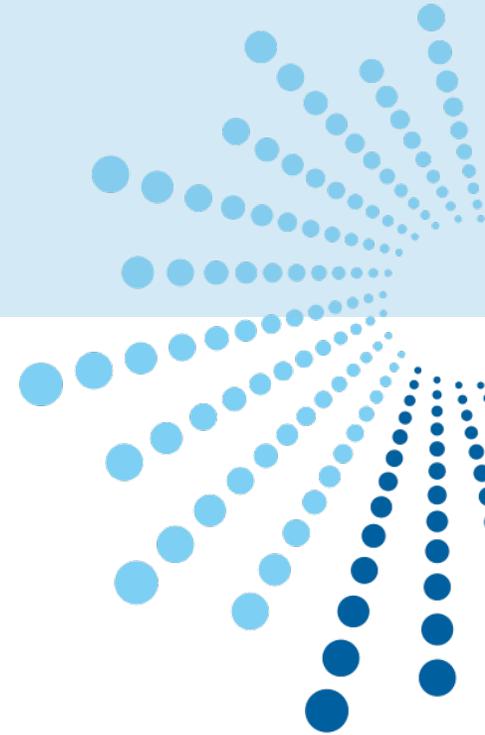
A well written and comprehensive report shows that the investigation was fair, impartial, and thorough.

A well written and comprehensive report protects you and your institution in case of litigation and helps to limit your liability.



Structure of the Investigative File and Report

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02

The Evidence File



Compilation of the evidence .



Organized intentionally and consistently.



Divided into Appendices.



Is attached to the report.

As one PDF?
As several PDFs?
Folders?



Includes a procedural timeline.

Examples of Appendices

Appendix A:

Witness testimony only (e.g., transcripts, statements summaries, etc.)

Appendix B:

Relevant documentary evidence (e.g., text messages, SANE reports, photographs, etc.)

Appendix C:

The remaining evidence deemed irrelevant, but directly related to the allegations in the formal complaint.

Appendix D:

The procedural timeline.



Label the Appendices or Sections

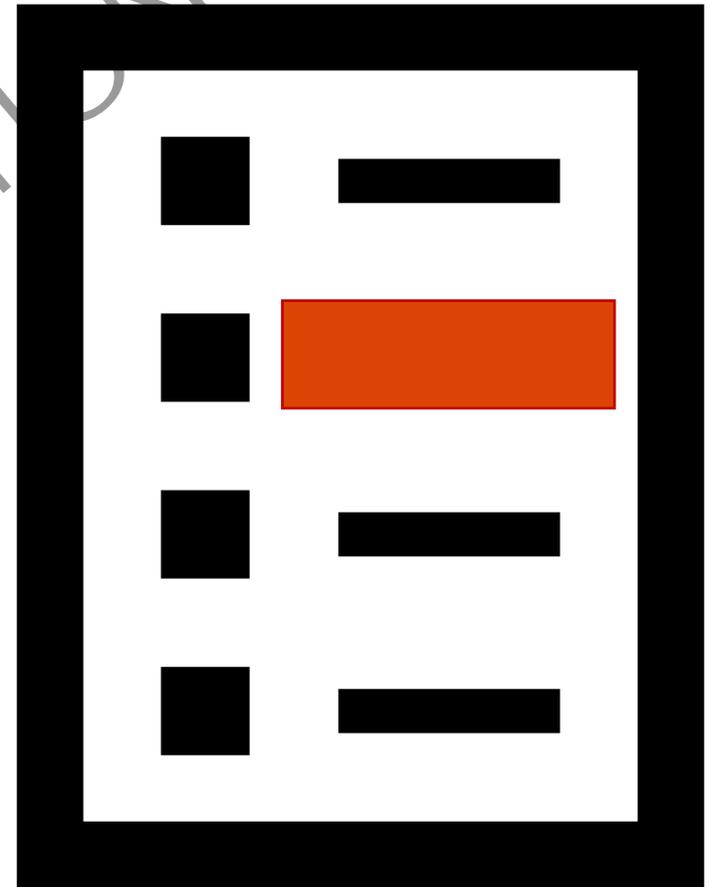
- “Appendix A contains transcripts/summaries of party and witness interviews that the investigator deems relevant, in whole or in part.”
- “Appendix B contains documentary evidence that the investigator deems relevant, in whole or in part.”
- “Appendix C contains transcripts/summaries of party and witness interviews that the investigator does not deem relevant, but that are directly related to the allegations in the formal complaint.”
- “Appendix D contains documentary evidence that the investigator does not deem relevant, but that are directly related to the allegations in the formal complaint.”
- “Appendix E contains a timeline documenting all procedural steps taken from the filing of the formal complaint until the submission of the final investigative file and report.”

Format and Structure of the Record

- Include page numbers
- Include a Table of Contents
 - For the entire record
 - For each appendix
- One document or PDF



Redactions



Essential Elements of the Report

Intentionally organized to enhance comprehension

Factually accurate

Concise

Without editorial or opinion

Consistent format



Structure of the Report

- Overview of the Investigation
- Statement of Jurisdiction
- Identity of Investigators
- Objective of the Investigation and the Investigation Report
- Prohibited Conduct Alleged
- Witnesses
- Evidence Collected
- Summary of Evidence
- Conclusion



Questions about the Report Template?

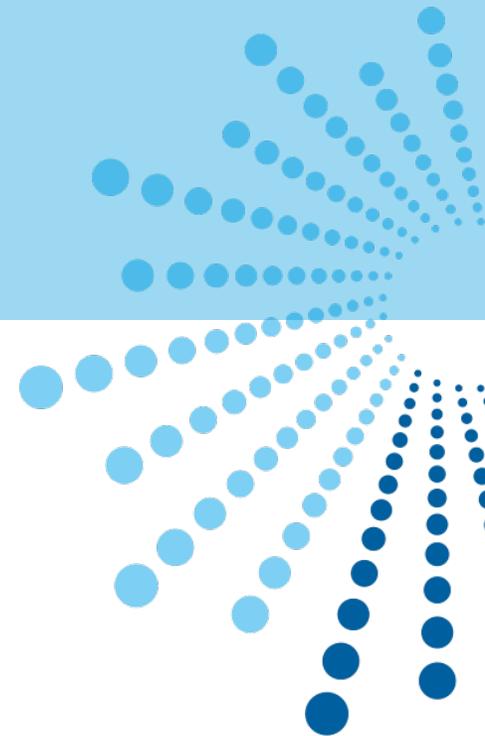




Writing the Report: Developing the Content

03

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Get the Easy Stuff Out of the Way

Overview of the Investigation

Statement of Jurisdiction

Identity of Investigators

Objective of the Investigation and the Investigation Report

Prohibited Conduct Alleged

Witnesses

Evidence Collected

Summary of Evidence

Conclusion

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Writing the Summary of Relevant Evidence

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Start by identifying the questions that you or the decision maker will be charged with answering:



What are we being asked to decide?



What does the formal complaint allege?



What are the elements of each act of prohibited conduct alleged?

Fondling: is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

1. Did Respondent touch the Complainant's private body parts?
2. For the purposes of sexual gratification?
3. Without Complainant's consent?

Analysis Grid: List the Elements

Did R touch the private body parts of C?	For the purpose of sexual gratification?	Without C's consent (due to lack of capacity)?

Identify the relevant facts for inclusion in the report.



Any information that is relevant to the elements of the prohibited conduct alleged.



Information that the Investigator believes the Decision Maker should consider or rely upon when making their final determination of responsibility. This includes:



Information that is relevant to an assessment of the evidence.

Credibility
Reliability
Authenticity



Helpful contextual information.

History between the parties
Post incident behavior



A well-organized evidence file will assist with this step.

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Analysis Grid: List All the Material Facts Relevant to Each Question

Touching of the private body parts of another person	For the purpose of sexual gratification	Without consent due to lack of capacity
<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Text messages between Complainant and Respondent ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Respondent's Account ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Witness 3's Account ➤ Photograph of Complainant ➤ Video of Complainant ➤ Text messages between Complainant and Witness 4 ➤ Witness 4's Account

The following information is usually not relevant and should be omitted from reports:

- Irrelevant Information, including
 - Prior sexual history of Complainant
 - Information protected by a legally recognized and un-waived privilege
- The Investigator's Opinions
- Speculation and conjecture
- Character evidence
- Party and witness opinions that are unsupported by fact



The analysis grid can serve as a guide as you start to write your summary of relevant evidence.

Touching of the private body parts of another person	For the purpose of sexual gratification	Without consent due to lack of capacity
<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Text messages between Complainant and Respondent ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Respondent's Account ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Witness 3's Account ➤ Photograph of Complainant ➤ Video of Complainant ➤ Text messages between Complainant and Witness 4 ➤ Witness 4's Account

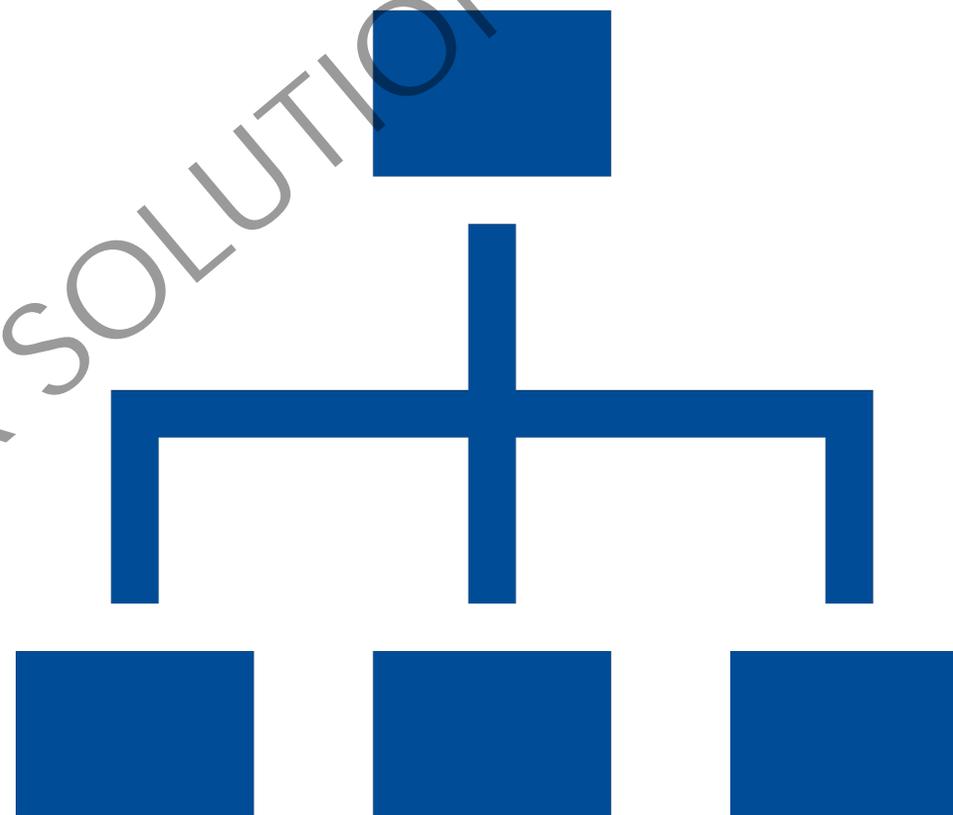
The Report Should **STAND** On Its Own



- S** Simple and Easy to Comprehend
- T** Transparent/Clear
- A** Accurate
- N** Neutral/Unbiased
- D** Draw Attention to Significant Evidence and Issues



Choose an
organizational
outline for the
summary of
facts.



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**Start Writing a
Report That
Will STAND on
its Own**

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Simplicity

Reports should be written so that they are accessible to all readers, irrespective of their familiarity with the subject matter, or the institutions policies and the law.

- Use plain language
- Be concise
- Avoid repetition
- Consider including a section on facts in dispute/not in dispute
- Avoid or define technical language/acronyms/slang



Choosing Simple Language

Complex Language	Simple Language
"Adjudicated"	"Decided/Determined"
"Preponderance of the Evidence"	"More likely than not"
"Respondent articulated"	"Respondent stated"
"Prima Facie Assessment"	"Plain assessment/On its face assessment"
"The allegation was substantiated"	"The allegation was proven/supported by"
"Pursuant to the policy"	"As stated in the policy"
"Digital Penetration"	"Inserted their finger into (include body part penetrated)"

Transparent and Clear

- Outline the report to enhance transparency and clarity.
- Summarize information chronologically.
- Clearly define language used in the report.
 - Opinions
 - Quantitative language
 - Slang/acronyms
- Provide clear descriptions of reported acts.
- Use consistent language.

Clarifying Language

Unclear Language	Clear Language
"Complainant reported that Respondent forced her to perform oral sex"	"Complainant reported that Respondent forced her to put her mouth on his penis"
"SANE/RA/UPD"	"Sexual Assault Nurse Examiner/Resident Assistant/University Police"
"Witness 1 reported that Respondent was angry"	"Witness 1 reported that he believed that Respondent was angry because Witness 1 observed Respondent yelling, slamming his fists on the wall, and that the 'veins in his neck were popping out.'"
"Complainant stated that Respondent touched them down there"	"Complainant stated that Respondent touched them, "down there". When asked to define 'down there,' Complainant stated, 'my penis.'" OR "Complainant stated that Respondent touched their 'penis.'"

Where Deeper Clarity is Often Needed, But Not Included

Dive Deeper when:

Testimony about contact with a person's vagina.

Testimony about penetration.

Testimony that clothing was removed.

Testimony that an event or an act had an impact on them?

Opinions are offered.

Include in the report clarity about the following:

Was the contact with the vagina or vulva?

What was penetrated?
What was used to penetrate?

What kind of clothing?
How was it removed?

What was the specific impact?

Include facts that form the basis for the opinion.

Accuracy Is Essential

Be precise and accurate in how you identify folks.

- Use their preferred names and pronouns.

Be accurate and precise when citing or referring to policy language.

- Be sure to cite from the applicable policy/procedures.

Accurately state the allegations as set forth in formal complaint.

When summarizing the evidence, do so accurately without editorial or opinion.

- Use quotations often and appropriately.

Always cite to the investigation file.



Every statement in an interview summary should make clear that it was the interviewee who made that statement:

- Not: Complainant first saw Respondent near the fountain in the middle of the quad. Instead "Complainant stated that she first saw Respondent near the fountain in the middle of the quad."
- Not: Witness 3 told Complainant that Respondent was creepy. Instead: Complainant stated that Witness 3 told him that Witness 3 believed Respondent was "creepy."

Use interviewee's words and put in quotes if it is their word.

- Not "Witness 3 was really out of it and drunk."
- Instead; "Witness 4 stated that Witness 3 was 'really out of it' and 'drunk,' which she described as . . ."

No conclusory words

- Not "the stalking started"
- Instead; complainant stated that the conduct she identified as stalking started in January. In some states, particularly California, attorneys litigating these cases will argue that use of a conclusory term means the investigator is agreeing that the conduct did occur. It's a huge nuisance to be a deponent in those cases

Commit to Using Neutral Language

Non-Neutral/Biased	Neutral Alternatives
"Claimed/Alleged"	"Reported/Stated"
"According to X"	"X reported/X stated"
"Story/Version of Events"	"Account/Reported Recollection of Events"
"Had Sex with/Engaged in"	Simply describe what occurred
"Changed their Account/Story/Version of Events"	"When initially interviewed Respondent stated X. In a subsequent interview Respondent stated Y"



Evidence that the Investigator believes should be afforded significant weight.



Evidence related to assessment of credibility, reliability, and authenticity.

Consistencies
Inconsistencies
Corroborative evidence
Omissions
Statements that include or that are lacking in significant details



Explanations that provide a better understanding of certain items of evidence or lack of evidence.



If it feels important, emphasize it in the report.

Draw Attention to Specific Evidence Through Intentional Presentation of Information in the Report

How might you include the following relevant information from the IF in the summary of relevant evidence section of the report?

1. Excerpt from the transcript of Complainant's initial interview located on Appendix A at page 34:
 - Complainant: "The next day he tried to talk to me. He sent me a bunch of text messages asking to see me. He said he was 'sorry' for hitting me and for raping me. I basically told him I didn't want to hear it and I called him an asshole. We've not communicated since."
2. Screenshot of the text message exchange, described above, submitted by Complainant and located in Appendix B, page 67.

Option A

Complainant reported that the next day, she engaged in a text message exchange with Respondent. Complainant stated that in this exchange, Respondent told her that he was sorry for hitting her and for raping her. Screenshots of this exchange were provided by Complainant and are included in Appendix B. See, Appendix A, p.34 and Appendix B, p. 67.

Option B

Complainant reported that the next day, she engaged in a text message exchange with Respondent. Complainant stated that in this exchange, Respondent told her that he was sorry for hitting her and for raping her. See Appendix A, p.34. Complainant provided screenshots of this exchange, which read as follows:

Complainant: I don't care what u say. U know I didn't want it and you did it anyway.

Respondent: I'm sorry I hurt u. You know I don't hit. I was so drunk. IDK what to say to make it better. Can I see u?

Complainant: What could you say? U raped me, asshole.

Respondent: I'm sorry. I'm so sorry. I luv u u know that. I don't know why I did what I did.

Appendix B, p. 67.

Option C

Complainant reported that the next day, she engaged in a text message exchange with Respondent. Complainant stated that in this exchange, Respondent told her that he was “sorry for hitting he and for raping her.” See Appendix A, p.34. Complainant provided the following screen shots of this exchange:
Appendix, p. 67.



When your investigation reveals that a fact that was not shared by a party or witness, the investigator should have explored the reason for the omission. The final report should document the exploration and accurately describe the explanation provided.

“Surveillance video from Clinton Hall depicted that at approximately two a.m. Witness A entered the room in which Complainant reports that she was assaulted. Witness A left ten minutes later. Complainant failed to share this fact with the investigators.”

“Surveillance video from Clinton Hall depicted that at approximately two a.m. Witness A entered the room in which Complainant reports that she was assaulted. Witness A left the room ten minutes later. In a follow up interview with Complainant, they were asked why they did not report Witness A’s presence in the room. Complainant responded by stating that they have no recollection of Witness A being in the room.”

A few final, but important,
points....

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The Investigator should not be present in the report.

The report should never include reference to the investigator.

For example, it should never say. "I then asked why Respondent believed they had consent to kiss complainant"

Instead, "When asked why they believed they had consent to kiss complainant, respondent stated...."

Analysis and Findings

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Findings of Fact

- **A "finding of fact"**
 - The decision whether events, actions, or conduct occurred, **or** a piece of evidence is what it purports to be, is credible, and reliable.
 - Based on available evidence and information.
 - Determined by a preponderance of evidence standard .
 - Determined by the fact finder(s).
- **For example...**
 - Complainant reports that they and Respondent ate ice cream prior to the incident.
 - Respondent says that they did not eat ice cream.
 - Witness 1 produces a photo of Respondent eating ice cream.
- **Finding: It is more likely than not that Complainant and Respondent ate ice cream**

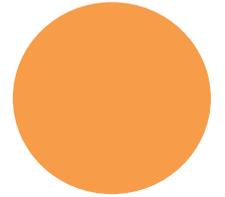
Preponderance of the Evidence

More likely than not.

Does not mean 100% true or accurate.

A finding of responsibility = There was sufficient reliable, credible evidence to support a finding, by a preponderance of the evidence, that the policy was violated.

A finding of not responsible = There was not sufficient reliable, credible evidence to support a finding, by a preponderance of the evidence, that the policy was violated.



Evaluating the Evidence

Is it relevant?

Evidence is relevant if it has a tendency to make a material fact more or less likely to be true.



Is it authentic?

Is the item what it purports to be?



Is it credible?

Is it convincing?



Is it reliable?

Can you trust it or rely on it?

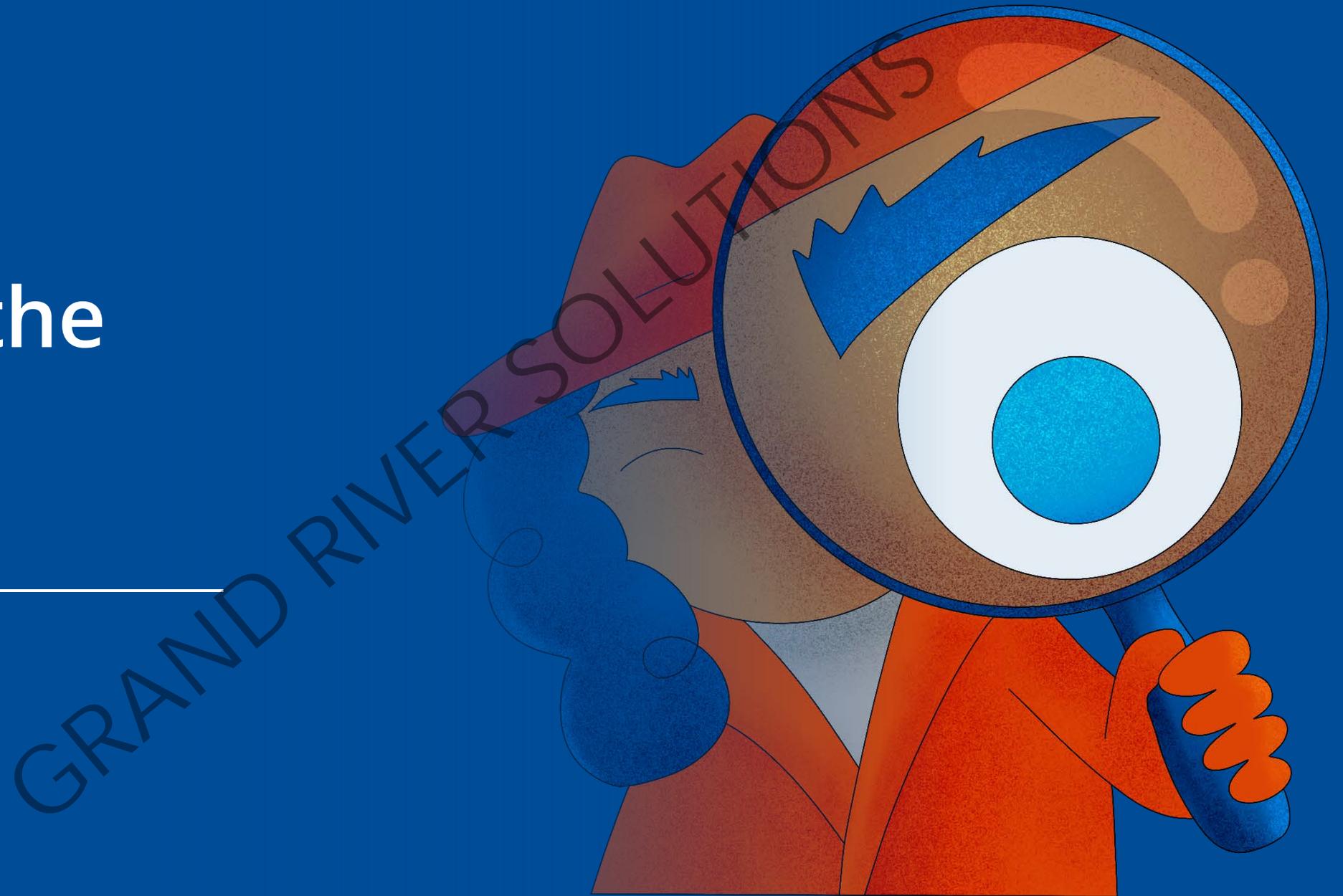


What weight, if any, should it be given?

Weight is determined by the finder of fact!



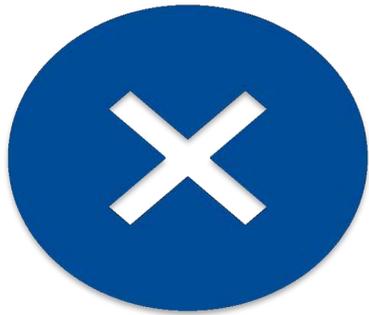
Identify the Relevant Evidence



Analysis Grid: List All the Material Facts Relevant to Each Question

Touching of the private body parts of another person	For the purpose of sexual gratification	Without consent due to lack of capacity
<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Text messages between Complainant and Respondent ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Respondent's Account ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Witness 3's Account ➤ Photograph of Complainant ➤ Video of Complainant ➤ Text messages between Complainant and Witness 4 ➤ Witness 4's Account

Assessing Authenticity



Are you convinced that the item of evidence is authentic.



What is the information that convinces you of that?



Is that proof information credible and reliable?

Make a Determination About the Authenticity of the Relevant Evidence

Touching of the private body parts of another person	For the purpose of sexual gratification	Without consent due to lack of capacity
<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Text messages between Complainant and Respondent ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Respondent's Account ➤ SnapChat DM between Respondent and Witness 2 	<ul style="list-style-type: none"> ➤ Complainant's Account ➤ Respondent's Account ➤ Witness 1's Account ➤ Witness 3's Account ➤ Photograph of Complainant ➤ Video of Complainant ➤ Text messages between Complainant and Witness 4 ➤ Witness 4's Account



Determining Credibility and Reliability

Remember: There is No Formula!

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Sufficiency of Detail and Specificity

Is the level of detail provided by the person reasonable and indicative of a genuine personal experience by the person?

Internal Consistency/ Consistency Over Time

- Did the person share the same version of events in all settings, including interviews, in written and/or verbal statements and between documentary evidence?
- Are there any discrepancies or contradictions?
- Is there a sufficient explanation for any discrepancies?

Consistency with Other Evidence or Testimony

- Is the testimony or evidence consistent with the other evidence?
- Is the testimony or evidence inconsistent with the other evidence?
- Is there a sufficient explanation for any inconsistencies?

Corroboration

- Is there witness testimony (either by witnesses or people who saw the person soon after the alleged incident, or people who discussed the incidents with the person around the time they occurred) or documentary or physical evidence that corroborates the person's testimony?
- Is there witness testimony or documentary and/or physical evidence that are inconsistent with statements made during the interview or does not provide corroboration to the person's version of events?

Inherent Plausibility

- Is the testimony believable on its face?
- Does it make sense?
- Could it have occurred?
- Does it make sense that this person knows this information?
 - What was their opportunity to view?

Material Omission

- Did the person omit material information?
- If so, what?
 - e.g., submitted partial text messages, or omitted text messages that could be perceived as unfavorable
- Is there a reasonable reason for the material omission?

Motive to Falsify

- Did the person have a reason to be untruthful other than the general desire to be believed, or to prevail?
- Did the witness openly volunteer information that is prejudicial to their interests or the Party?
- If so, does the declaration against interest bolster their credibility?
- Does the person have an articulable bias, interest or other motive? [e.g. an employee received a poor performance review, so she falsified a claim of sexual harassment against her boss].
- Alternatively, does the person have little personal gain in the outcome?
- What are the relationships between the parties?

Past Record

- Is there a history of similar behavior in the past?
 - e.g., a supervisor had previous complaints of sexual misconduct
- If so, this might impact whether a statement should be believed.
 - For example, a respondent who states they never knew that a certain behavior was wrong, yet was written up for that same behavior, the history of similar past behavior makes the respondent's statement less believable and less reliable.

Ability to Recollect Events

- What is the extent the person was able to perceive, recollect or communicate the version of events?
 - e.g., the person reported they were intoxicated, or the person reported they were sleeping

Credibility/Reliability Analysis

Step by Step

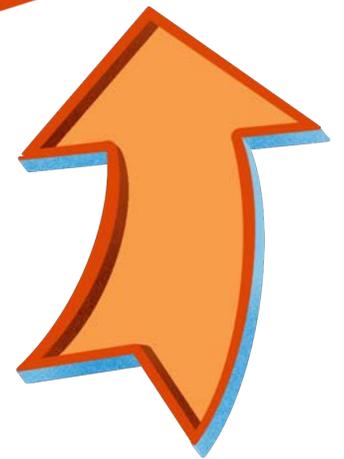
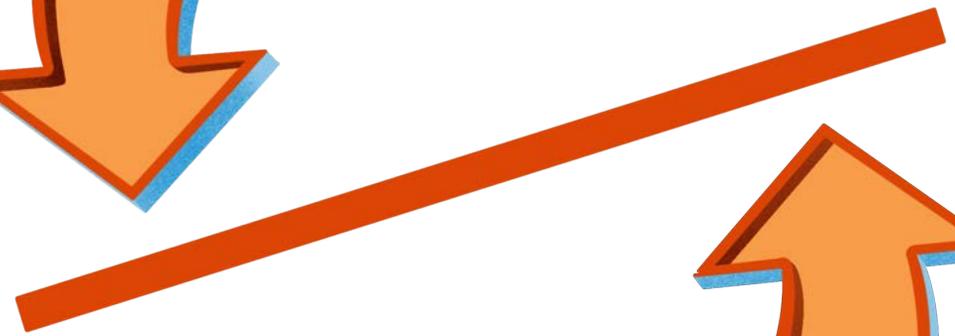
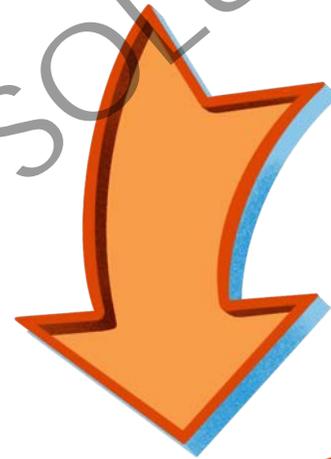
1. Determine the material facts – focus only on material facts.
2. Determine which material facts are:
 1. Undisputed – consistent, detailed and plausible, and/or agreed upon by the parties [e.g., Marcy and Jack attended a fraternity party on April 5, 2019]
 2. Disputed – unsupported by documentary or other evidence, or are facts about which an element of doubt remains [e.g., Marcy alleged that Jack kissed her without her consent around 1am at the party, and Jack asserted he never kissed Marcy and went home early]
 3. State clearly which facts are accepted, and which are rejected, and state the reasons why.

“While Jack maintained that he never kissed Marcy and went home early, several witnesses corroborated that he was at the party until 3 a.m. In addition, a photo was submitted by a witness showing Jack kissing Marcy. Therefore, I find that Jack’s version of events cannot be credited as being more likely than not to be true.”

Weighing the Evidence

Determine what weight, if any, you will afford to each item of evidence upon which you intend to rely, of evidence in your final determination.

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Make Findings

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Findings of Fact

- **A "finding of fact"**
 - The decision whether events, actions, or conduct occurred, **or** a piece of evidence is what it purports to be, is credible, and reliable.
 - Based on available evidence and information.
 - Determined by a preponderance of evidence standard .
 - Determined by the fact finder(s).

Making a Recommended Determination

1. Apply the standard of proof and the evidence to each element of the alleged policy violation.
2. Make a determination as to whether or not there has been a policy violation.

The Recommended Determination

“While the credible evidence supports a finding that it is more likely than not that Respondent touched Complainant’s vagina with his hand for the purpose of sexual gratification, the credible evidence does not support a finding, using the preponderance of the evidence standard that Complainant was incapacitated and therefore incapable of providing consent. Thus, we find Respondent NOT RESPONSIBLE for the allegation of fondling, as set forth in the formal complaint”



For Day 2

Read the mock charging documents and the mock evidence

Be prepared to engage in breakout activities 2-6.

Thank you!

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Report Writing Workshop Day 2

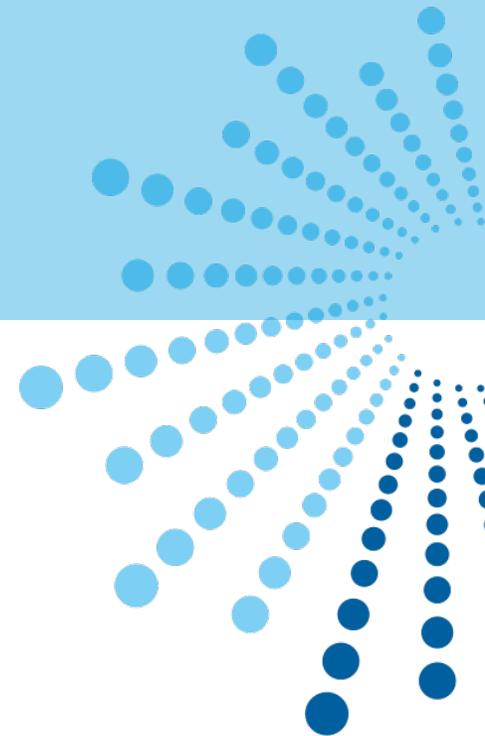
Chantelle Botticelli, J.D.
February 2022



Developing an Evidence File and Report for “The Formal” Hypothetical

04

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Breakout 2

What are the questions that you/the DM must answer?

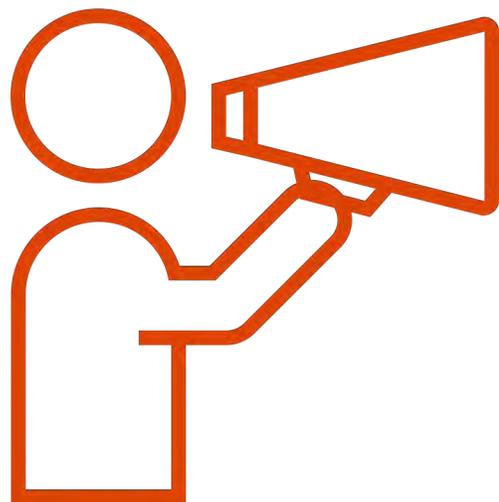
In your small groups, create an analysis grid.

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Report Out: Break Out 1: Group A

Group A: The Formal: Analysis Grid

Question #1	Question #2	Question #3	Question #4
Was complainant's vagina penetration?	If vagina was penetration, how so (with what and by whom)?	Was complainant able to give consent? (able)	Was consent present/ given in this particular instance?



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Report Out: Break Out 1: Group B

Question 1	Question 2	Question 3	Question 4
Was the complainant's vagina or anus penetrated by the respondent?	Was the complainant orally penetrated by the respondent?	Was the complainant penetrated with an object, sex organ, or other body part?	If any penetration occurred, was it consensual?



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Report Out: Break Out 1: Group C

The Formal: Analysis Grid

Question 1	Question 2	Question 3	Question 4
Was there penetration of the vagina?	Was there penetration of the anus?	Was there oral penetration of a sex organ?	Was consent for penetration provided?

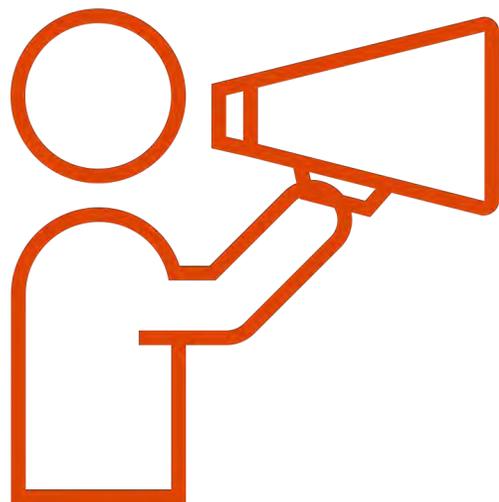


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Report Out: Break Out 1: Group D

The Formal: Analysis Grid

Question 1	Question 2	Question 3	Question 4
Was there penetration?	Was the complainant able to provide consent?	Was the complainant incapacitated?	What body parts were penetrated?



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Analysis Grid: List the Elements

Did Drew Engage In Sexual Intercourse with Taylor?	Was Taylor incapacitated and therefore incapable of providing consent?	Did Drew know Taylor was Incapacitated?	Should Drew have known that Taylor was incapacitated?
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Assembling an Investigative Record

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Break Out #3

In your small groups, assemble the investigative record.

Be sure to do the following:

1. Create sections or appendices
2. Include an explanation of each section/appendix
3. Create one or more table of contents
4. Include every item of evidence

Report Out Group B



Appendix A: Transcripts

- o Complainant Interview
- o Respondent Interview
- o Respondent Interview: Follow Up
- o Follow Up Interview: Complainant
- o Witness #1: Transcript
- o Witness #3
- o Witness #5
- o Witness #6
- o Witness #7
- o Follow Up Interview: Witness #1
- o Follow UP interview: Witness #3

· Appendix B: Documentary Evidence

- o Text message Lauren and Complainant
- o Text message submitted by respondent: Respondent and Complainant
- o Text message: Witness #1 and complainant
- o Text message: Witness #5 and respondent

· Appendix C: Summary Evidence

- o Response evidence compilation Taylor/ Drew

· Appendix D: Evidence: Not Related/ Irrelevant

- o Character Letter for Respondent
- o Transcript Witness #6
- o Transcript Witness #7

· Appendix F: Procedural Timeline:

- o Complainant Interview
- o Respondent Interview
- o Respondent Interview: Follow Up
- o Follow Up Interview: Complainant
- o Witness #1: Transcript
- o Witness #3
- o Witness #5
- o Witness #6
- o Witness #7
- o Follow Up Interview: Witness #1
- o Follow UP interview: Witness #3

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Report Out Group C

Appendix A - Relevant evidence

Taylor

Drew

Witness # 1 Kelly

Witness # 5 Christina

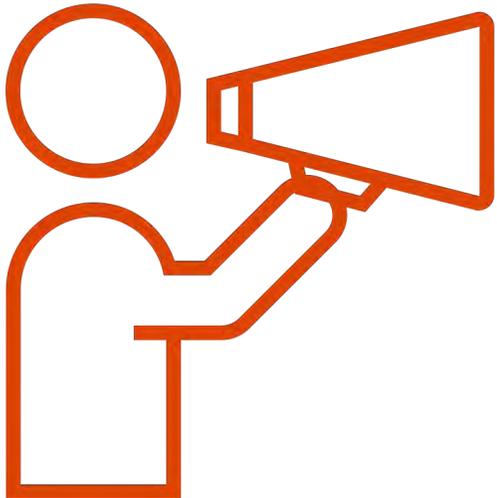
Appendix B- Directly related related evidence

Witness # 7 Lauren

Witness # 3 Joe

Appendix C- Unrelated

Pastor character witness



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Report Out Group D

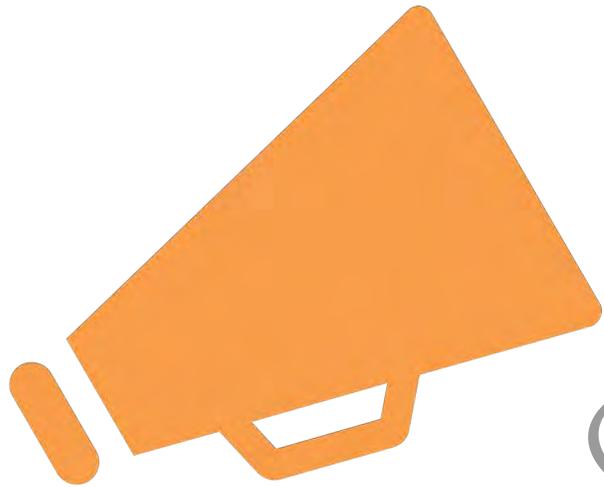


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Appendix A: Complainant Interview Summary
Appendix B: Complainant Interview Transcript
Appendix C: Respondent Interview Summary
Appendix D: Respondent Interview Transcript
Appendix E: Witness Interview Summaries
Appendix F: Witness Interview Transcripts
Appendix G: Relevant Submitted Evidence
Appendix H: Non-relevant Submitted Evidence

Appendix

Appendix A: Complainant Interview Summary, Summary of the Complainant's interview.

Appendix B: Complainant Interview Transcript (Includes Transcript of Complainant Interview in its entirety)

Appendix C: Respondent Interview Summary; Summary of the Respondents initial interview.

Appendix D: Respondent Interview Transcript (Includes Transcript of Respondent Interview in its entirety)

Appendix E: Witness Interview Summaries: Investigator Ware interviewed Kelly, Joe, and Christina

Kelly: Stated she was in contact with Taylor via text message. Investigator Ware asked if Kelly communicated with Taylor in any other way, Kelly stated no: Taylor does not have social media.

Joe: Stated that he did not know if Taylor had a snapchat; they mainly communicated via text message.

Christina:

Appendix F: Witness Interview Transcripts (Includes all Transcripts provided from Witness Interviews in their entirety, including follow-up interviews)

Appendix G: Relevant Submitted Evidence; Text Messages Submitted by Respondent Between R and C; Text Messages Witness 1 and Complainant; Text Messages Witness 5 and Respondent

Appendix H: Non-relevant Submitted Evidence; Character Letter for Respondent Text Messages Lauren and Complainant

Appendix A: Relevant Transcripts

1. Transcript of Complainant's Initial Interview
2. Transcript of Complainant's Follow Up Interview
3. Complainant's Written Response to the Draft Investigative Record
4. Transcript of Respondent's Initial Interview
5. Transcript of Respondent's Follow Up Interview
6. Transcript of Witness 1's Interview
7. Transcript of Witness 1's Follow Up Interview
8. Transcript of Witness 3's Interview
9. Transcript of Witness 3's Follow Up Interview
10. Transcript of Witness 5's Interview



Appendix B

1. Screen Shots of Text Messages Between Complainant and Respondent
2. Screen Shots of Text Messages Between Complainant and Witness 1
3. Screen Shots of Text Messages Between Respondent and Witness 5
4. Screen Shots of Text Messages Between Complainant and Witness 7



Appendix C

1. Transcript of Witness 6's Interview
2. Letter Submitted by Eric Church
3. Transcript of Witness 7's Interview



Appendix D

1. Procedural Timeline

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Appendix E

1. Investigator Abby Plates: Training Materials
2. Investigator Kevin F. Ware: Training Materials





Break Out 4: To Redact or Not to Redact?

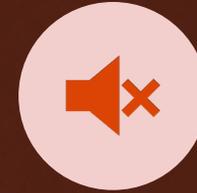
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Consider



Is there information that must be redacted from this record?



Is there information that should be redacted from this record?



What is your reasoning for any redactions made?



How will you document the redactions?

Do we redact?

Any reference to Complainant's relationship with Witness 3?

Respondent's description of Complainant hooking up with Witness 3 at the fraternity party during the fall of 2020?

Witness 3's statements about Respondent's prior behaviors?



Should the following statement be redacted?

Witness 3 Statement

The other thing is that, like, Drew has a reputation, um, for... like, I've heard rumors that Drew, like, talks about, "Well, if you get a girl drunk enough, you can pretty much do whatever you want with her." And, um, Paul told me that Drew used to joke around about how they should put extra... they should have a separate punch for women at their parties, that had higher alcohol content so that the girls would get drunker so that the boys could get lucky. And I- I mean, that's basically what Paul told me, um, and so you'd probably want to talk to him about that, but I- I just... like I said, like, I believe her. I don't think she would lie about this and I think that Drew is a scumbag.



Break Out #5

In your small groups, do some editing!

As a team, review small portions of a summary and edit it using the track feature in word. Edit the summary:

1. To simplify it
2. For transparency/clarity
3. Accuracy
4. Neutrality
5. Draw attention to important facts

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Group 5A

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Group 5B



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Group 5C

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Group 5A



Break Out # 6

In your small groups, fill the analysis grid and make a finding!

- First, list the relevant evidence related to each question.
- Second, assess the authenticity, credibility, and reliability of each item of evidence to determine what items of evidence you will rely upon when making and explaining your finding/recommended finding.
- Third, determine the weight you will give to each item of evidence upon which you intend to rely.
- Next, apply the standard of proof and make a finding as to each element of the formal complaint.
- Finally, make a finding of responsibility



Did Drew Engage in a Sexual Act with Taylor?	Was Taylor incapacitated and therefore incapable of providing consent?	Did Drew know Taylor was Incapacitated?	Should Drew have known that Taylor was incapacitated?
<ul style="list-style-type: none"> ➤ Undisputed ➤ Complainant's testimony ➤ Respondent's testimony 			
<ul style="list-style-type: none"> ➤ It is more likely than not that Drew engaged in sexual intercourse with Taylor 			

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Be kind to yourself
for the work you've
done already in
good faith.

Compare yourself to
yourself yesterday
instead of
comparing yourself
to others.

Writing good reports
is a constantly
evolving process.
Don't expect
perfection.

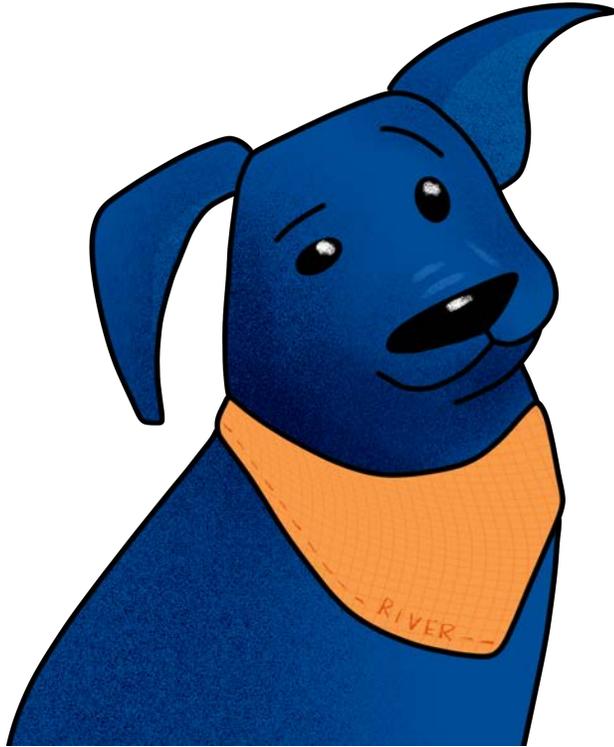
Don't worry about
where your skills are
today, just keep
getting better.

You have the tools.
You can do it!



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Questions?



Leave Us Feedback:



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Investigative Report Writing Workshop
Post Training Packet
February 2022

*This training packet is intended for educational purposes only, and not as sample documents. The partial report and supporting statements included in this packet is designed solely to facilitate an understanding of the hearing process and is not intended to reflect a completed investigation report.

FINAL INVESTIGATIVE RECORD

Case Number 0011

GRAND RIVER SOLUTIONS

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Appendix A

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Appendix A

1. Transcript of Complainant’s Initial Interview
2. Transcript of Complainant’s Follow Up Interview
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7. Transcript of Witness 1’s Follow Up Interview
8. Transcript of Witness 3’s Interview
9. Transcript of Witness 3’s Follow Up Interview
10. Transcript of Witness 5’s Interview

**Appendix A includes information that the investigators deem relevant to the allegations in the formal complaint.

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Initial Interview of Complainant

Investigator Plates:

Good morning.

Taylor:

Good morning.

Investigator Plates:

All right, great. Thank you so much for meeting with me today, Taylor. In a few moments, I am going to ask you share with me whatever it is that you are able to share about your experience. While you are sharing I am going to just listen. I won't interrupt you, or jump in if there are moments of silence. I am going to just listen until you tell me you are done sharing. Is that ok?

Taylor:

Yes.

Investigator Plates:

Are you ready to begin?

Taylor:

Yes

Investigator Plates:

Taylor, what are you able to share with me about your experience?

Taylor:

Sure. So, you, do you, like, wanna know a little bit about me, too? Like how ...

Investigator Plates:

Wherever you're comfortable starting, if you wanna share a little bit about yourself, that's totally fine.

Taylor:

Okay. So, um, so I'm, uh, a second semester junior. And I live, um, off campus with, I have eight roommates. Um, they're all students. And, um, most of them are, um, guys. I have one roommate who's a girl, and then, um, the rest are guys. We all live together because most of us work at Cheers, which is, like, a bar that a lot of students go to. Do you, do you know Cheers?

Investigator Plates:

I'm familiar with it, yep.

Taylor:

Um, so I've worked there since, like, my freshman year, um, or my first year. And, um, met my roommates there. And you know, we get off work really late, right? And so, like, a lot of times, when the bar closes we'll, like, hang out for a little bit, and whatever. And we all decided to live together so that, like, we could get home safely at the end of the night. So, like, we all take turns, one of us is the driver, um, or two of us, depending on, like, what car we take. And then, um, also, like, it's just safer to go home late at night as, um, a woman in this town, like if I have other people with me. So we all just live together because it just makes it more convenient.

Taylor:

Um, and so, yeah, so I'm telling you this because this is kind of how I met, um, Drew, who was, like, the guy.

Taylor:

So, um, so yeah, so Drew is, um, in, uh, in a fraternity. Um, and, um, so is my roommate, Kelly's, um, boyfriend Paul. So Paul's in the fraternity, and, um, Paul dates Kelly, and Kelly's my roommate, and Kelly and I have been friends since, like, high school. And, um, obviously, Kelly hangs out at the bar a lot. She's like, on- our only roommate that doesn't work there. She just, um, well she should work there 'cause she's kind of there all the time. But anyway, she, she doesn't work there, but she comes in with Paul all the time. And I wanna say, like, during the spring of 2020-ish, um, yeah, it was the spring of 2020, um, Kelly told me that Paul's fraternity brother Drew, like, noticed me. And, um, like, when I was working at the bar.

Taylor:

And Drew asked Kelly to introduce us. And so a few days later, Kelly and Paul and Drew came into Cheers when I was working and, um, I, like, immediately recognized Drew, 'cause he definitely came into the bar all the time, like, with his fraternity brothers. And he was always, like, friendly, and maybe, like, awkwardly flirty with me. But a lot of people flirt with me because they, I think, want free drinks. But he seemed like he wasn't just into the drinks, like he would actually, like, you know, like spend time, even after I gave him a drink, like he'd spend time and hang out. So, like, I, I knew who he was, but I didn't, hadn't really, um, formally known him.

Taylor:

And then on this, the day in the spring of 2020, um, Paul and Kelly, like, officially introduced us. And I didn't really get to talk to him that much because I was working and it was really busy. Um, I remember. But the next day, Kelly and Paul were like, "Wat did you think of Drew?" And I told them that I thought he was okay but not really my type. And Kelly begged me to give him a chance, Kelly just kept saying that it would be so much fun if we were both dating guys from the same fraternity. So I guess I was like, "Okay, I'll get to know Drew better before, like, totally rejecting him." Um, so for the rest of the semester, which was, like, I think only a couple weeks, I remember, for some reason I remember the night I officially met Drew, I was wearing, um, like, shorts. Which I wouldn't normally do if it wasn't starting to get warm out.

Taylor:

Like even though the bar gets hot, I would wear pants. Because, like, leaving at night, it would be cold. So it must've been, like, a warm day. So, anyway, um, so, like, I think over the next couple of weeks, we hung out a couple times, but always, like, with other people like in large so- social settings. And maybe

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we hung out, I don't know, four or five times. Um, he was nice, wasn't, like, rude or anything. He was attentive. Um, and not at all disrespectful towards me. It was clear that he was into me. But he didn't, like, try to push it. I liked hanging out with him, he was a good time, but nothing sexual ever happened between us. Honestly, I just wasn't attracted to him, so he became a friend, like somebody to party with but nothing more.

Taylor:

Um, I knew that he had a crush on me, so I was careful to make clear that I didn't feel the same way. Um ...

Taylor:

Um ... So, like, then the end of the term came, and I stayed, like, by campus to work. And I took a summer course, um, but I didn't, like, Paul, if he was around, I didn't see him. And I don't know if he went home or if he stayed, I don't know. But I definitely didn't see him, like, around, the entire summer. Um, I remember seeing him, like, soon after the fall semester came, like last semester. So that was fall of 2020. Um, and it was the first Friday night of the fall 2020 semester. Really, I remember that because it was a super busy night and everybody was back and, um, I remember he came in and I was happy to see him. Because like I said, because he was cool. Um, and so we spent a few minutes catching up, but not a lot of time, 'cause I was working.

Taylor:

And then, uh, over the next couple of weeks, like, I spent time with respondent and his friends, and Kelly and Paul, like pretty much every weekend. But again it was, like, at parties. Like it wasn't just the four of us, like there was lots of us. But he would be there and I would be there, and I started to hang out with that group a little bit more than I had before, um, because he was there, I didn't kind of feel like the third wheel anymore with Kelly and Paul. And, like, I liked hanging out with Kelly because she was my best friend. Um, and it helped to, like, have someone that I knew a little bit better, and so I hung out with them more.

Taylor:

Um, but, like, he didn't, I didn't feel like he still had a crush on me, which is why I felt comfortable actually spending more time with him. Like, I was under the impression that he had moved on, that he wasn't into me anymore. Like he wasn't as flirtatious. He stopped making comments that suggested that he had a crush on me. He even came into the bar a few times with another girl. And I was happy because I wanted us to be friends. And, um, I felt like that was easier once I didn't, like, think that he was interested in me in that way. Um, so yeah. Um, so I guess the next thing that happened that's, like, important to what happened to, like, here, is, um, a couple of days before, um, Halloween, and I know the exact date because I checked my work schedule.

Taylor:

So it was October 25th, um, I was at cheers, and I was working an afternoon shift, which was weird. I don't usually do that, and that's how I remember, like I remember this was an afternoon conversation. And I remember, um, like, I just remembered that. So I looked back and the 25th was the only day I worked afternoon, like, anytime near Halloween, so it had to be that day. But I was working and Kelly and Paul were there. Um, and, um, they were having, like, lunch. And, um, and Drew came in, and he,

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like, was upset because the girl that he invited to go to his fraternity's formal had just canceled on him. Do you know what a formal is?

Investigator Plates:

If you could share with me a little bit about formals at your school, that would be great.

Taylor:

Yeah, so, like, um, the fraternities have, like, proms, basically. Like it's so dumb, but basically they all get dressed up, they, like, spend a bunch of money to go to essentially a place, like a reception, like where somebody would get married or something, and they have like, a party. Which I always thought was stupid, because why spend all that money to just come to Cheers or one of the 500 other bars? But anyway, they were having their formal, and he was supposed to go with some girl and she, like, like canceled on him last minute, and he was upset. Um, and he was talking to us about it, and while he was telling us, like, how she had just kind of blew him off, Kelly was like, "Oh my God, Paul, you should take Emily. I mean Taylor (laughs) to the formal." And, um, Drew got really excited and was like, "Yes, you should come with me."

Taylor:

And, um, yeah, so I asked a little bit about, like, the deal. And they told me that it was gonna be at a, at a resort about an hour away from campus, and that everybody was gonna spend the night there. Um, I didn't really wanna go, 'cause it would mean I'd have to take off of work on Halloween, which is, like, a big money making night. Um, but I was, like, had been picking up a lot of extra shifts anyway, and I realized I didn't really need the money. Um, and so I was like, "Okay, I'll go. But then I just want to understand, like, if we're staying overnight, like, how does that work?" Because I didn't wanna be alone in a room with, with Drew. Even though, like, I di- thought he wasn't into me anymore, like I just thought that would be uncomfortable. And so, um, Drew was like, "No, no, no, we're sharing a room with Kelly and Paul."

Taylor:

And so, um, I didn't think anything would get weird if we were all sharing a room, so I agreed. It sounded like fun. Um, like I said, he hadn't been trying to get with me for a few weeks. I thought it would be a good time with friends. Um, so yeah. And so, I agreed to go. Um ...

Taylor:

Um, so, I think it happen- like the next Saturday night was the formal. Um, it was at Greenfield. Which is like, I think, like I said, like an hour south maybe. I don't know. I'm pretty sure it's so- yeah, it was south of campus. Because we got on the highway going south. Um, so, it was supposed to start at seven, and there was going to be, like, a cocktail hour, a sit-down dinner, which I think is so dumb, and then dancing. Which, whatever. Um, and there was open bar. And it was, like, I think from 7:00 to 11:00 and then there was a cash bar after that. So people were told to bring cash, because this resort didn't take credit cards, which is also weird. Or, like, Venmo or anything. Um, so anyway, um, so yeah.

Taylor:

So this is, like, the day that everything happened. Do you have more questions for me about the day?

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Investigator Plates:

Um, if you wanna go ahead and share more about the day, we can come back to those other questions, if that works for you.

Taylor:

Okay. So do you want me to talk about, like, the whole day? Or just the night?

Investigator Plates:

If you wanna talk about, um, the day as well, that would be helpful.

Taylor:

Okay. Um, so, like, I worked until 4:00am the night before. And so, I woke up late. Like probably around, like, noon. And I went to the gym, and I always, on, um, Saturdays do, like, a 75 minute spin class. I'm pretty sure I did my spin class that day. Um, and then I always, after that, go to Wegman's and eat, and eat, usually a six inch turkey sub, which I'm pretty sure I did that day. Um, actually I'm positive I did that that day, now that I think about it. Um, 'cause I remember the next day being like, "All I ate was that sub." Um, so after I, like, ate, and went to the gym, I came home, and I remember I had to, like, pack quickly. Because, um, Paul and Drew were gonna pick me and Kelly up at our apartment at, like, 3:30. So I remember I didn't have a lot of time.

Taylor:

Um, I definitely, definitely didn't eat anything o- else, other than that turkey sub, like the entire day. Um, we got to the place at, like, 5:00. So it took us, like, an hour and a half. So I don't remember, but we must've stopped. I'm not sure, but if we did it was, like, maybe so somebody could go to the bathroom. But anyway, we got there around 5:00. Um, and we checked into the hotel, and it was a normal hotel room. Um, and so, um, there was, like, a bathroom and two beds. And, um, yeah. So we, yeah. So there was a bathroom and two beds. Um, I'm just gonna check. It was ... th- um, so after we got there, um, I think Paul and Drew, like, got dressed pretty quickly. They put on their suits and they went to the hotel bar. And then me and Kelly, um, took turns showering, and we got ready.

Taylor:

And then, um, we were pregaming while we were getting ready. And then, when we were done getting ready, we went down to the hotel bar, and met Drew and Paul. Um, I think I- we just pretty much sat there with the three of us and a few other people I don't really know for about an hour, and then cocktail hour started. Um, I th- then, I had a couple drinks. Um, when we were at the bar. Actually, I think I just had one glass of white wine and I definitely had a club soda because I usually do that. Like I alternate drinks and soda, drinks and soda. Just 'cause I don't like to get hungover. Um, and that helps. So I th- I ordered, I definitely ordered the wine myself, I definitely ordered the club soda myself. Like being a bartender, I know how important it is to, like, watch people pour your drinks and to order yourself, and so I did that.

Taylor:

Um, and yeah, I remember I was just sitting at the bar, and I think, or I don't think, but respondent was on ... Or excuse me, Paul was on one side of me and Kelly was on the other side. Actually no, Drew was on one side, and then it was me, and then Kelly, and then Paul. Um, and I remember because Drew and

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Paul kept leaning across us and talking and it was annoying me. Um, because they were loud, like they were already drunk and it was, like, early. So it was annoying. Um, so then we all went into, like, the cocktail hour at 7:15. There was food but I didn't really eat anything, um, 'cause it didn't look gross. There was, I would say, 60 people. And, um, I recognized most of them, because a lot of them come into Cheers. But I wasn't particularly close with any of them.

Taylor:

This wasn't my normal crowd of friends. I knew Drew and Kelly and Paul, of course, but the rest of the people at the party were more the fraternity and sorority scene. Which I'd never really been a big part of. So, um, so yeah. So once we got to cocktail hour, um, I remember Drew offered to get me a drink and I was like, "Sure." And he came back with a cranberry and vodka in a pint glass. And I drank, or started to drink it. It was pretty strong, and so I kind of took it slow. It was, like, a really strong drink. Um, and I make stiff drinks, and this drink was strong. Like, so it was definitely, like, crazy. Um, so yeah, I think I just had that one drink at the cocktail hour.

Taylor:

And then, um, we went into the, like, the big room. Like I think it's called a banquet room. And we had assigned seats. We went and sat, I was at a table with, um, me, Drew, Kelly, Paul, um, uh, this girl Christina, and, um, this guy Matt. And so, um, we all sat and shortly after we sat down, uh, Drew asked if I needed another drink. And I, um, was still drinking the cranberry and vodka that he got me during cocktail hour. And so I told him that I was good. And, um, he left. And he went to the bar to get another drink. Um, so yeah. I was, like, just talking with everybody at the table, and then 20 minutes later, he came back. And by, like, by he, I mean Drew, he came back to the table, and he put another, um, full cranberry and vodka in front of me, and was like, "Oh, I got you a backup."

Taylor:

And I remember in the moment being annoyed by it, because I was like, "Dude, I told you I don't need a drink, I'm a grown ass woman, I can get my own drink if I need one." And then I kind of felt like I was being a bitch in my head because he was just being nice. But, like, I had two full drinks at that point, and they were really strong, and I was, I don't know, I remember being annoyed by it. Like at this point in the night I was just kind of annoyed by him. Like, he was drinking, he was talking across me. He wasn't listening to, like, me say, "Like, no I don't want a drink." And that's not what I like. And so, anyway, I was just kind of annoyed. Um, but, um, I remember, like I, I kept drinking what I had.

Taylor:

And then that was pretty much my last complete and clear memory from the night. Like, him coming back to the table and being like, "Here's another drink." And me getting annoyed, and that, that's pretty much it. That's my last complete and clear memory. Um, the rest of, so, like, the rest, when I try to think about the rest of the night, like the rest of my memories are, like, short movie clips, that's the best way I can describe it. I, I remember bits and pieces of the night. And the memories that I have are crystal clear, but they're short little snippets, and I'm not sure of the order, like, in which things happened. Um, should I share, like, what I do remember?

Investigator Plates:

Yes, that'd be helpful.

Taylor:

Okay. So I don't know if this is in the right order, but this is the order that I, like, remember it in. But I don't know if this is how it actually happened. But the first memory I have is of walking down a long hallway with a lot of doors. Um, I remember that I was leaning against the wall for support as I was walking, and I think I was barefoot. I don't remember seeing or talking to anyone, everything was, like, spinning. And I just, like, felt like I was in a movie. Like, ha- like have you ever seen, like, a movie with, like, a long hallway? That's what it felt like. And I just, like, just remember being like, slumped up against the wall and, like, walking down, like almost like I was, like, sideways. But obviously I wasn't sideways, but that's how I remember it.

Taylor:

Um, I also remember being in a bathroom with stalls. Um, there was a pink loveseat in the bathroom, too, I remember this bright pink loveseat, and I remember being on the floor of one of the stalls when two girls came into the stall, and I remember that they picked me up and put me on that pink couch. They were really nice to me, they gave me water, and then I remember, like I had, like, a, like a, like a glimpse of Kelly coming in. I think someone had went and got her. I remember Kelly saying, "I don't understand how she got this way." And then things kinda go blank again.

Taylor:

Um, I remember waking up in a bed, the room was dark, and I was on my back. My dress was still on, and it was up, and my arms were, like, tangled in it. I immediately kind of felt, like, a weight on top of me, and I realized it was, um, Drew. He had his mouth on my neck, and then on my breasts, and I remember having a sharp pain in my vagina. I realized his penis was inside of me, and he was, you know, having sex with me. I tried to lift my hands, but I just couldn't. And I remember I tried to speak, but I couldn't find any words. And there was no more. And then there's no more, it's just black, and I must've passed out again. Um, I definitely woke up again, and, um, I was face down in the bed. My dress was pushed up so my face was a- like on the bottom part of my dress. And someone was penetrating me vaginally, like with their penis from behind.

Taylor:

Um, I tried to push myself up, but as soon as I lifted my head, I started to, to vomit, um, I started to get sick. And I recalled that whoever had been on top of me kind of, like, withdrew from my body. And yelled, "Oh fuck." Um, I definitely recognized that voice to be Drew's. And I remember being dragged by my arms, like this person got off the bed and came, like, in front of me, and dragged me by my arms so that my head was hanging off the side of the bed, and I just remember that I just kept puking. And that's the only memories I have of the night. Um, my next clear memory was when I woke up in the morning. I remember waking up and being totally disoriented, I was under the covers, and I had clothing on. Although I wasn't sure in the moment what I was wearing. Um, Drew was in the bed next to me, he was asleep on top of the covers, and was dressed in shorts and a shirt, which I thought was weird.

Taylor:

I remember looking over at the other bed, it was empty, um, and I felt, like, kind of panicked. So as soon as I sat up, I felt sick, and I had to run to the bathroom to throw up. Um, after I puked, I washed my face and looked at myself in the mirror. I remember, like, I just stared at myself for, like, 10 minutes. I was still in my dress, but I had a black fitted tshirt over it, which doesn't make any sense. Um, the bottom part of my dress, which was, like, a full length dress, and my hair were wet. Like wet, like wet wet. Like

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almost, like, someone had, like, washed, like, puke off of me. Um, and so I just sat on the floor of the bathroom and I tried to figure out what happened to me. I, I couldn't remember a thing, my head was pounding, my stomach was sick. I had a pain in my vaginal area.

Taylor:

Even though I couldn't remember what happened in the moment, I knew, I just knew that Drew had sex with me. So I stayed in that bathroom, like on that floor, for what felt like forever. I was numb. I didn't know what to do. I was still made at myself for getting so drunk. I was frustrated that I couldn't remember anything. I was so embarrassed. In that moment I felt helpless and ashamed and just, it was, like, the worst feeling in the world. Um, at some point while I was in there, I don't know how long I was in there, Drew started knocking on the bathroom door and asked if I was okay and if I needed anything. And I didn't know what to do. But I knew I couldn't hide in the bathroom forever. So I pulled myself together and I opened the door.

Taylor:

Um, Drew told me to lay back down and he would go get me something to eat and drink. And I got back into the bed, and left the room. Um, I don't remember if I did or I didn't text Kelly. Um, I looked back at my phone to see if there were text messages between us, and, um, it didn't go back that far. But, like, for some reason I think I did. But I don't know. But anyway, Kelly and Paul came back in a few minutes after he left, and they asked if I was okay. Um, and I basically told them I was not okay, and that I wanted to go home. And so they just started to, like, immediately pack up. Like they didn't ask me any questions, they just started to pack.

Taylor:

And then, um, at some point, Drew came back with food and water, um, and at that point, we were ready to go. And so Paul told Drew that he should find another ride home. But Drew insisted on going with us. Um, he got ready super fast, and within 10 minutes we were in the car and on our way home. Um, I didn't, like, talk at all during the way home. I blamed my silence on being hungover. Um, the three of them were laughing at me. Drew told me I won the award for the most wasted date. I actually felt bad, like I had embarrassed him or something. As we drove, memories of the night started to come back. When I remembered parts where he was having sex with me, I got physically sick. I had to make Paul pull over and I was violently vomiting on the side of the road.

Taylor:

Um, when we finally got home, Paul dropped me off at the apartment. And I got out of the car and I remember I didn't, like, say anything. I just got out of the car. And I went straight into the apartment. Um, when I got in, um, my two roommates, uh, Brett and Joe, were sitting at the kitchen table. And, um, Brett and Joe looked at me and I just started to cry. They rushed over and asked me what happened. I could tell that they knew it was something bad. I could almost feel the anger radiating off of them. And it scared me. I was afraid that if I told them what Drew had done to me they would kill him. I, I had been friends with them since freshman year, they were really protective of me, like big brothers.

Taylor:

So I made something up. I'm not even sure what I said, and I don't think they really bought it, but they left me alone. And I went straight to my room and I slept for, I feel like, five days. Um, so yeah. That's really it.

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Investigator Plates:

Okay. Taylor, thank you for sharing that with me. Um, are you comfortable if I ask you a few questions? (silence) Okay, all right. So I'm gonna, um, back up a little bit, if that's okay. Um, and ... Do you, you had said previously that you knew that, um, Drew had a crush on you. And you shared that you made it clear that you didn't feel the same way. Can you help me understand, um, how you made that clear to Drew?

Taylor:

Yeah. So, like, I knew he liked me, and I didn't wanna lead him on. So I never accepted his invitations to hang out alone, I never let him buy me drinks. Um, I even showed up to parties at his house with other guys that I was seeing at the time. Um, I never, like, explicitly told him that I wasn't interested in being more than friends. But I really think my actions made that clear to him. Um, and I think he understood that I wasn't interested hi- in him in that way.

Investigator Plates:

Tell me more about "in that way?"

Taylor:

Like sexually. Like he knew that I didn't wanna hookup with him or date him.

Investigator Plates:

Help me understand your belief that Drew knew that you didn't want to hookup with him or date him

Taylor:

Um, like I said, like, he ... I mean, I couldn't have made it any clearer. Like he would flirt with me, and I just didn't engage with him in that way. Um, and, like, he never explicitly told me he liked me either. Like, he never, like, asked me out on a date, or he never asked me to hookup, which would've been really direct. But, like, he definitely was flirtatious and I wouldn't really flirt back, and he did ask me to hang out, like, just the two of us. Like I remember one night, he was like, "Do you want to come over and watch a movie?" And I was like, "Oh, who else is gonna be there?" And he was like, "Oh, it'll just be us." And I was like, "No, like I'd rather hang out in a big group." And things like that. And he just kinda stopped asking, which wo- made me feel like he knew that, like, he knew to stop asking. Because I wasn't gonna, like, hang out with him alone. So that's kind of how I knew.

Investigator Plates:

Help me understand your contact with Drew over the summer.

Taylor:

Nothing. I didn't hear or see or engage with him at all over the summer.

Investigator Plates:

What are you able to tell me about your interactions with Drew once the fall 2020 started

Taylor:

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I don't even really remember them. They weren't that, like, significant. Like it was just a bunch of people hanging out. And like I said, like I knew him better than I knew some of his other fraternity brothers. Um, and when I would go to the, the, like, parties with him, like it wouldn't ... Like the fraternities host parties, but not just for fraternity people. So, like, when I said I would go there and hang out, like, with him and his friends a little bit more, I guess what I meant would be, like, my friends, my group of friends would choose to go to the parties that his fraternity was hosting more, because Kelly was there and Paul was there, but also Drew. And, like, Drew was now kinda my friend. So that's what I meant.

Taylor:

But you know, we would hang out. Like I'd be there with friends, he'd be there with friends. Like I said, there was a girl that he was seeing who would be around. Um, and so, um, yeah. So that was kind of it.

Investigator Plates:

You mentioned that when Drew asked you to go to the formal with him, um, and you were kind of questioning the sleeping situation because you'd be sharing a hotel room, um, help me understand that, not wanting things to get weird?

Taylor:

Yeah. I meant I didn't think there would be any opportunity to hook up. Um, and so Drew wouldn't try. Which meant I wouldn't have to make things weird by rejecting him. Like the fact that we were all staying in the same room, I was like, "Oh, like, he's not gonna try and hook up with me in front of Kelly and Paul." And so, like, I'm not gonna have to deny him, and then make things weird. That's what I meant.

Investigator Plates:

Okay. Had Drew ever tried to hookup with you before?

Taylor:

No.

Investigator Plates:

Okay. All right.

Taylor:

Although I had, like, kind of got the impression from what Kelly and Paul told me, and from the way he acted, that he totally would have if I was into it.

Investigator Plates:

Okay. So when you got to the formal, um ... You had mentioned that, um, you checked in and it seemed like, I think you said normal hotel room with two beds. Um, were any of the sleeping arrangements discussed prior to going to the hotel?

Taylor:

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We didn't talk about it. Um, and then once we got there, we didn't talk about. Like Kelly and Paul put their bags on one bed, Paul and, or Drew and I put our bags on another. It was kind of understood that they would be sharing a bed, and that Drew and I would share a bed. I wasn't opposed to sleeping in a bed with him. Like when you're in college, you know, living with lots of roommates, it's common for people to sleep in beds with each other, especially after a long night of partying wi- I never for a second thought that agreeing to share a bed with him was a signal that I wanted to have sex with him.

Investigator Plates:

You'd mentioned that you and Kelly were pregaming, help me understand pregaming.

Taylor:

Um, so, like, what do you mean? Do you wanna know what we were, like, drinking?

Investigator Plates:

Yeah. So I just wanna make sure I understand what you mean when you use the term pregaming because it is important to me that I have a full and clear understanding of your experience.

Taylor:

Yeah, so, sure. So it's basically, like, while we were getting dressed, we had some drinks. Um, I remember that we were definitely drinking champagne, 'cause, um, I had taken a bottle from the bar and brought it with us. Um, and I remember I had, like, two small glasses. They were about, like, four ounces. So I probably had, like, eight ounces of champagne. We definitely didn't, like, kick the bottle.

Investigator Plates:

Okay.

Taylor:

But we almost did. Um, and that, so we had while we were getting ready, and then we went down for cock- or down to the bar before cocktail hour.

Investigator Plates:

Okay. And help me understand how you were feeling while you were pregaming?

Taylor:

I felt fine.

Investigator Plates:

Are you able to recall if you ate while you were pregaming?

Taylor:

No, I didn't eat anything. The sub was the only thing I ate that day.

Investigator Plates:

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Okay. All right. Um, so down at cocktail hour, uh, you had a couple drinks. Are you able to share with me what you were drinking?

Taylor:

It was white wine, and I think I only had ... No, well, in the hotel bar I had a glass of white wine and a club soda. And then, at cocktail hour, I was nursing that cranberry and vodka that he got me, that double. And then the, by, that's what I drank. I had the champagne, the wine, and almost all of the first cranberry and vodka. I don't remember touching the second one, but maybe I did. I don't know.

Taylor:

I don't know. I don't remember.

Investigator Plates:

Okay. And are you able to recall how you were feeling, um, when you were drinking that first vodka?

Taylor:

I mean it was strong, so I started to get a buzz real quick.

Taylor:

And then it was just, like, lights out everywhere.

Investigator Plates:

Help me understand lights out everywhere

Taylor:

I don't remember a fucking thing shortly after I started drinking that drink

Investigator Plates:

Okay. Um, you had said that, um, you recalled that Drew was already drunk. So help me understand what led you to believe that he was drunk.

Taylor:

Well he was drinking fast. He was drinking beer up until that point, and I remember he was drinking fast. I wasn't counting, but I would say that by the time we got to the banquet room for dinner, he had at least four bottles of some IPA, which are, like, strong beers. And yeah. Like I just remember him drinking fast and b- he just was acting like somebody who had been drinking. So I saw him drink before, um, but I don't know how much he had before we came, like while we were getting ready. Like I don't know how much he had when he went to the bar. Like, he could've taken shots. Like I have no idea. Um, but I saw him drink at least four beers in a short period of time, from the time we got downstairs, until the time, like, I don't remember anything. Which was, like, less than two hours.

Investigator Plates:

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Okay. And are there any conversations from, um, the time that you went down to the bar, until you aren't able to recall, um, are there any conversations during that period of time that stood out to you?

Taylor:

No. It was just like, small talk with a bunch of people I don't know.

Investigator Plates:

Okay. Okay. Um, so tell me ...

Taylor:

I mean, after the whole incident, I was really angry. Um, like, I was angry because I should've never gone. Like I didn't even like these people, I don't know why I went. I was just angry that I, at myself for going. And I, I was angry at Paul. I was con- or not Paul, at Drew. I was convinced that he drugged me. I mean, I was a bartender, Investigator Plates, I drank a lot. My tolerance for alcohol was high. There was no way I had gotten that wasted, would've gotten that wasted, off of three, maybe four drinks. Um, and so after this whole thing, like, I avoided Drew and it seemed like he was avoiding me, too. I didn't go to parties at his house. He stopped coming to the bar. If I saw him out, I would leave immediately.

Taylor:

I managed to go the whole rest of the semester without seeing him. Not seeing him, it helped. It allowed me to forget, or at least convince myself that it didn't happen.

Investigator Plates:

Okay. Um, are you okay if I, I back up a little bit, ask some questions?

Taylor:

Yeah.

Investigator Plates:

Okay. Taylor, you described some of your memories from that evening. Um, are there any other things that you recall?

Taylor:

No, I've, like, thought about it and thought about it and thought about it, and that's all I have.

Investigator Plates:

Okay. Okay. So help me understand, um, why you decided not to report at the time.

Taylor:

So, um, I don't think I even realized that what he did was wrong, and that he had raped me, at first. Um, I mean, that morning I knew that what he had done was wrong, I knew that in my bones. And deep down, I believed that I had been drugged. But I had no proof that it was him. He was my friend. And so part of me wanted to give him the benefit of the doubt. I mean, I couldn't remember what had happened. I'd wondered if maybe I asked for it, led him on, I don't know. But the further away I got from

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the night, the more I realized that I was out of it. Everyone I spoke to that night said that I was a complete mess. Falling all over the place, incoherent, vomiting, passed out on the bathroom floor. And he knew that.

Taylor:

A few weeks after the formal, Kelly told me that Drew had literally carried me from the li- bathroom, back to the hotel room, over his shoulder like a sack of potatoes. It was, at that point, or maybe sometime after, that I realized that he didn't deserve the benefit of the doubt, and that he had raped me. But then it seemed like it was too late. And who would believe me now? So I, I just didn't say anything. And just, like, tried to live with it, and, like, move on from it. And like I said, I just avoided seeing him and, um, yeah, I mean, I was pretty successful. Of, uh, successful at avoiding him for months.

Investigator Plates:

Okay. And help me understand what led you to report it now.

Taylor:

Yeah. So like I said, I had successfully, successfully avoided Drew for months. But about a week ago, I was at Rusty's, which is, like, another bar. It's, like, right across from Cheers. And, um, well I was there with just a couple of friends. Um, and, um, they had, like, gone off. So I was kind of alone. But I didn't feel alone. Because, like, I was talking to the bartender. All the bartenders, we know each other. And so I was talking to the bartender, and then, um, he got busy and, like, went off to serve folks. So I was kind of just standing alone at the bar. I think I was on my phone or something. And all of a sudden, Drew came up to me and was like, "W-" Asked me why I'd been avoiding him since October. And I said, "You know why." And I tried to walk past him. Um, but he stepped in front of me and I wasn't able to walk away, and he said, "Why don't you enlighten me?" And he was smirking.

Taylor:

He knew exactly what I meant. It seemed like he wanted to make me say it, and I refused. I called him a sick fuck, and I pushed past him. He started to follow me and I started to run like a crazy person through the bar to get away from him. I was crying. And when I got to the door I looked back, he wasn't, he wasn't following me anymore, but he was standing there watching me, and he was laughing. Um, it was in that exact moment that I was like, "I'm gonna report this asshole." Um, and, and I did.

Investigator Plates:

Okay. Um, Taylor, is there anything else that you think is important for me to know?

Taylor:

I don't think so, not right now.

Investigator Plates:

All right. Um, if you think of anything else, feel free to reach out to me. Um, do you have any questions for me?

Taylor:

I don't.

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Investigator Plates:

All right, Taylor, thank you so much for sharing with me, I really appreciate it.

Taylor:

Thank you.

GRAND RIVER SOLUTIONS

Follow Up Complainant

Investigator Plates:

Good afternoon. Thank you for taking my call. I have just a few questions.

Taylor:

Sure. I have a few minutes now. If we need more time, I can speak again tomorrow.

Investigator Plates:

Great thank you. This shouldn't take very long. In our follow up interview with Drew, we asked him about his assertion that you had texted him during the early morning hours of November 1, 2020 and asked him to come back to the room. Drew shared that this exchange wasn't actually by text, but instead was through snap chat. We wanted to give you an opportunity to respond.

Taylor:

Yea. No. I don't use social media. I don't even have a snap chat and wouldn't know how to use it. Ask anyone who knows me. That is a blatant lie.

Investigator Ware:

Thank you. There is some evidence that indicates that when you returned to the party during the early morning hours, you were socializing and drinking. What are you able to tell us about that?

Taylor:

Nothing. I don't have any recollection of that, other than what I already shared. And actually I am out of time. Was there anything more?

Investigator Ware:

Not right now, but if there is, do I have your permission to reach back out.

Taylor:

Sure. Thank you and have a good one.

Subject: Response to Evidence

Date: Friday, September 10, 2021 at 6:45:44 AM Eastern Daylight Time

From: Taylor Doe

To: Kevin Ware; Abby Plates

Dear Investigator Plates and Ware,

I have reviewed the evidence in the draft investigative record and these are my responses:

1. My relationship with Witness 3 is no body's business and has nothing to do with this. Drew is trying to distract everyone from the real issue by slut shaming me.
2. About the sleeping arrangements. I completely forgot about that text exchange, but clearly it happened. I also don't remember ever saying that I "was looking forward to a good snuggle." That isn't something I would say. But even if I did, asking to snuggle does not equal consent to have sex when I am passed out and throwing up.
3. Drew is claiming that I texted him to come back to the room. That is absolutely not true. I was in no condition to text anyone. If I was, why wouldn't I have texted Kelly back when she was freaking out and looking for me?
4. I was not completely fine or sobered up when we was having sex with me. I don't remember most of it, but I do remember that I was so drunk that I threw up in the middle of it and that he was moving my body around the way he wanted it because I didn't have control over it myself.
5. I am not making this up because I am mad that he got back together with Lauren. I never wanted to be with him in the first place and if I had wanted to, I could have been. I did find out that they got back together because she texted me a few days after the formal to tell me that they were back together and that I should respect their relationship. I found the messages and will send them. They make clear that I didn't care that they were back together.

Thank you,
taylor

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Interview of Respondent

Investigator Ware:

Good afternoon. My name is... Good afternoon, my name is investigator Kevin Ware. I am, uh, here to, um, give you an opportunity to share your perspective with regard to the allegations in the formal complaint that were previously shared with you during your meeting with the Title IX Coordinator several weeks ago.

Drew:

I see that you have an advisor present with you. Uh, are you ready to proceed today? And before doing so, could you please just state your name for the record?

Drew:

I guess my name is Drew and, um, I, um, I am ready to proceed. I have my advisor and I'm ready to, to share.

Investigator Ware:

Wonderful. Well, um, I'm gonna go ahead and ask you one, a few moments to share whatever it is that you'd like to share with me, but before we get started, do you have any questions for me or is there anything that I can do to make you feel more comfortable today?

Speaker 1:

Um, no, I don't have any questions. The Title IX Coordinator answered most of them and, and I don't, and I, I'm pretty comfortable here today.

Investigator Ware:

Well, that's good to hear. If there's anything I can do during our time together today to make you feel more comfortable, or if you have any questions, please just let me know. In a few moments, I'm gonna just start by saying something along the lines of, uh, help me understand your perspective. And from that point on, we can get, you can go ahead and share. Uh, while you're sharing, I'm gonna to be quiet and I'm gonna be actively listening to you because what you have to say to me is important.

Investigator Ware:

I'm not gonna interrupt you or step in with my own questions until you'll let me know you're done sharing. Does that sound okay?

Speaker 1:

Yes, that actually sounds fine.

Investigator Ware:

Okay. Well then why don't you go ahead and share what you'd like to share?

Speaker 1:

Um, okay. So, um, like I said, my name is Drew and, um, I, um, and a second semester junior. I am, um, in a fraternity, I think you're familiar with my fraternity. And currently, um, I live off campus in the frat house, um, where I live with 15 of my fraternity brothers. Um, I have known of Taylor since the start of my sophomore year. Um, I used to go like my, my friends and I are my brothers, and I would spend a lot of time at Cheers and Taylor's a bartender there. But I didn't officially meet Taylor for the first time until the... Hmm, let me think.

Speaker 1:

I officially met Taylor for the first time towards the end of the fall 2019 semester after having been introduced by my fraternity brother, Paul. Um, after Taylor and I were officially introduced, we hung out a few times. I don't think we ever really hung out alone. I can't really remember what we did or who was around, but I remember seeing her out more and making an effort to talk to her more. Um, and the more I like chilled with her and hu- hung out with her and like spoke with her, the more I liked her. I was interested in her, you know, I wanted a date or maybe, she's a pretty girl and she was fun to hang out with. I thought she was interested in me too. She definitely flirted with me.

Speaker 1:

Um, but that was the, uh, spring of 2020, and I didn't ask her out that semester or make a move, um, because we only started to get to know each other towards the end of that semester, and the school was almost over for the year and I was going home for break. There was no point in starting something right before I was gonna leave, so I didn't make a move. When we got back for the fall of 2020, um, I was eager to see, um, Taylor again. So I think it is the first weekend when I was back to school, I'm pretty sure I absolutely went to the bar that first Friday night to invite her to our party the next night. I wanted to see her, I was hoping we could pick up where we left off.

Speaker 1:

Um, and so, uh, she definitely showed up. So yeah, so I went to the bar that Friday night, asked her to come to our party, it's like one of our biggest parties that our fraternity throws. Um, it's the first Saturday of like when school's back. And so I, like I said, I went to the bar, asked her if she'd come the next night. She said, yes. And, um, so I was super excited Saturday 'cause I was like, this is my chance. You know, I thought she was into me. I was definitely into her. Um, she looked just as good, you know, before or after summer break, maybe even better, 'cause she was kind of tan if you know what I mean.

Speaker 1:

Um, and, and yeah, I was looking forward to seeing her. So that Saturday night, um, you know, we were hosting the parties, I was pretty busy in the beginning of the night, but I definitely had my eye out for her throughout the night as people were coming in and out, the party was pretty crowded. I would say there was a couple of hundred people there. Um, but I was looking out for Taylor and then, um, I saw her and, um, I was like making it my way across the room, and then all of a sudden she was with, I noticed she was with one of our roommates who I recognize from Cheers too, this dude, Joe. And, um, as I was making my way to the room, to go, you know, say hi to Taylor, Joe came up behind her and they kind of like started to walk off.

Speaker 1:

So I followed them, and then they wound being like in a dark corner and they were hooking up, which was pretty scandalous, 'cause as far as I know, Joe has girlfriend and Taylor and Joe are roommates. And

so the fact that they were like in a dark corner making out, just kind of, didn't kind of rub me the wrong way. And so from that point on, I just kind of didn't wanna, wasn't interested anymore. Uh, she was obviously doing her own thing and uh, I don't like girls who hook up with other girls boyfriends. And so I was kind of like, all right, not interested anymore.

Speaker 1:

Um, so yeah, so that kinda like ended my interest in her, but not necessarily our friendship, but like I no longer like, was interested in dating her. Um, and I actually started seeing someone else, myself and other students, um, this girl, uh, Lauren and, um, so Lauren and I started dating and, um, we dated throughout the term for most of the semester or at least for most of the first month of the semester. Um, right up until like the week before my formal, which is like where it gets important again. So, um, yeah, so Lauren and I were dating, um, I didn't really kinda mess with Taylor during that time. If I saw it at the bar, I'd say hi, whatever, or sometimes she'd be out like at parties and we would chill, but it was nothing like whatever, act like we were friendly.

Speaker 1:

Um, and then a week before the formal, which was gonna be on October 31st, um, Lauren and I ended it and, um, well actually she broke up with me, and so, yeah, I didn't have a date. Um, I remember I went into Cheers and, to meet up with Kelly and Paul, and Taylor was working. And I think Kelly recommended that maybe I take Taylor to the formal and she seemed okay with it. She seemed actually excited and like into wanting to go, 'cause she'd been around more, like around my scene a bit more, which was a new thing. And um, so, uh, yeah, I was like, that's a great idea. And we made plans for me, for her to be my date to the formal.

Speaker 1:

Um, so the formal was on a Saturday, it was October 31st, it's Halloween, but none of us were dressing up, like we're not into like Halloween parties in my fraternity. Um, and, uh, so, uh, we, part of the reason we have the formal on Halloween, so we could like get out of that thing 'cause it's pretty juvenile. Um, and whatever. So I remember Paul and I picked Kelly and Taylor up at their apartment sometime in the afternoon, I don't remember when it was. We got to the place where the formal was and we checked into our rooms 'cause we were all staying over and Kelly and Paul, Taylor and I were sharing a room. Um, and when we walked into the room, Taylor just like put her stuff down on the bed and that was pretty surprising to me.

Speaker 1:

Um, and yeah, so, um, she put her stuff down on the bed and she looked at me and was like, I'm looking forward to a good snuggle, which I thought was interesting. Anyway, we've spent just like about 15 minutes in the room, and then, um, Paul and I left to go to the hotel bar while the girls got ready. Um, about an hour before cocktail hour, which I think started at 7:00, Taylor came down and joined us at the bar. I think Kelly was with her, I'm pretty sure she was though, but I don't really remember. This is a long time ago. Um, Taylor was fine when she came down, she was fine during the cocktail hour. And then like 20 minutes after we sat down for dinner, she started to act wasted. It was crazy, and it came out of nowhere.

Speaker 1:

I mean, it was only 8:30 and she was ready to be put to bed. I just figured that she hadn't eaten or something, I gave her some bread and she ate it. I got her water too. Um, and after I fed her, this other girl who was at our table, um, took Taylor to the bathroom because she was in no condition to make it there on her own. Um, yeah, I think it was, I think it was Christina who took her to the bathroom. Yeah, it was Christina. (silence)

Speaker 1:

So about 20 minutes after Christina took Taylor to the bathroom, Kelly came over to me and um, asked if I could help get Taylor back to the h- hotel room. I followed Taylor to the girl's room, I actually went in, I'm sorry, I followed Kelly to the girl's room, actually went in and Taylor was asleep in a chair. She had puke on her dress, I remember that. I picked her up over my shoulder and carried her out of her room, she was awake, but out of it, Kelly was with me the whole time. We put her in bed, the second I put her down, she started to vomit and I panicked. I turned her on her side and she kept puking up the side of the bed. I held her hair back the best I could, when she was done, Kelly cleaned her with a wet towel.

Speaker 1:

I got her water and she drank some. Then we turned her on her side, put a garbage film next to her, and I left. Kelly stayed with her, I don't know for how long, it was probably between 9:00 and 9:30 when this happened. I went back to the party and then, um, we were downstairs in, like, the reception area and that, and around 1:00 AM, me and a bunch of people went outside for a bonfire. Um, I came back inside around 3:00, her and me had hung out at the bar for a little bit longer, and then a little bit after I came inside and was at the bar, um, Christina told me that Taylor had come down to the bar area around 2:30 AM and had stayed for about an hour.

Speaker 1:

Um, Christina said that Taylor seemed better when she was down there. Um, so at around 3:30, so I guess I got inside around 3:00, but then around 3:30, um, I got a bunch of text messages from Taylor, asked me to come back to the room. Um, so I went back and when I got up there, Taylor was fine and was awake. Um, she seemed fine. And so I got out of my suit and got in bed because I wasn't gonna sleep on the little couch, I'm a big guy. I'm 6'2", like 225 pounds. Um, so I wasn't gonna sleep on the little couch, which would have been fine for Taylor. Um, so I got in bed and we started to talk.

Speaker 1:

Um, I asked her if she felt better and she told me, yes. She apologized, and I told her not to worry about it. At that point, I was pretty drunk myself and I just wanted to go to sleep. At some point, she put her arm around me and settled into me, I rolled onto my side, and we were face-to-face, she didn't back away. So I kissed her, she kissed me back. I got on top of her and she continued to kiss me back. I asked her again, if she was okay and she moaned. We started to undress each other, before I knew it, we were having sex. She was totally awake and totally into it.

Speaker 1:

Um, so I guess we had sex for like, I don't know, I don't know, it was awhile. And like I said, she was into it. And then when, when I finished, I basically just laid down and she laid down and we both, I know I fell right asleep. 'Cause like I said, I had been pretty drunk. And so, that, the activity mix of the alcohol, afterward, I fell right, I fell right out. Um, so the next morning when we woke up, um, I woke up and she wasn't in the bed. Um, I think she was in the bathroom or something. And I don't remember if I went

and knocked on the door. She came out, but I just remember she was acting weird the next morning. I just thought it was because she was embarrassed about how she had acted the night before.

Speaker 1:

Um, and so I didn't really push her 'cause I felt bad, 'cause I'd have been embarrassed if I was her too. I mean, she was the drunkest person at the party. Like it was, she was a mess and everybody was talking about it. So I kinda just felt bad for her and just kinda didn't push her and kinda just let her be quiet and whatever. So we left pretty soon after we woke up 'cause she wanted to go home. Um, I didn't see her like at all. Well, that's not true. I didn't see her often after that day and night, um, I stopped kinda going into Cheers. She never, never saw her at any of our parties. Um, she was clearly avoiding me and honestly I was okay with that.

Speaker 1:

I started dating someone else shortly after that and so I didn't seek her out either. Um, so yeah, that's kinda what happened. Do you have any questions? You can go ahead and ask.

Investigator Ware:

Well, thank you. I do have some follow-up questions for you and I'm gonna try to go in the order that's uh, you shared in. I'll try not to jump around on you. I'll do my best. Okay. Thank you. Let me just have a second here. You mentioned that during the spring of 2020, you thought that the complaint or that Taylor was into you, uh, and you mentioned that she was flirtatious with you. Help me understand what you mean by flirtatious.

Speaker 1:

Yeah, well sure. Whenever I saw Taylor, she seemed to get real excited, like was happy to see me. So like, if I went into the bar, um, she would get really like, "Hey, what's up." And just be super, seemed super like happy that I was there. Uh, she'd always serve me right away even if there was people there before me, which kinda people off, but whatever. Um, didn't charge me a lot, so give me drinks in the house. Um, when we would see each other at parties, whether it goes, were parties thrown by my fraternity or other parties, um, she would hug me and we'd like do this thing where her hand would like linger on my shoulder for like longer than normal.

Speaker 1:

Um, there was more, but this was a really long time ago. Um, so I can't think of any more specific examples. I just know, like you just know when somebody is in to you, she was just interested in me. I could tell by the way she acted, it was clear to me and to my boys. I know she's saying now that she wasn't, but I'm sure that she was.

Investigator Ware:

Thank you. Did anyone ever... Well, let me ask you this. Did Taylor ever explicitly tell you or anyone else that she was interested in you during the spring of 2020?

Speaker 1:

Not that I can remember.

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Investigator Ware:

You mentioned that you were surprised that she put her stuff on the bed. Tell me a little bit about the hotel room, its layout. And then also tell me what was surprising to you.

Speaker 1:

Sure. So the room had two beds and a small couch, Kelly and Paul put their stuff on a bed. I put my stuff on the other bed. Taylor could have claimed the couch, but she didn't. Um, and now that I think of it, when she put her stuff on the bed that I had put my stuff on, I asked her if she was cool sharing a bed. And that's when she said that she was looking forward to a good snuggle. (silence) In fact, now that I think of it, (silence) now that I think of it, I had told her ahead of time that we might have to sleep in the same bed via text messages. Like when we were making arrangements, I told her, um, that we would be in the same room and that there might be a couch, but there might not be. And if there wasn't, we'd have, we might have to sleep in the same bed together.

Speaker 1:

There's a text exchange. I don't remember exactly what it is, but I'll look for it. And if I have it, um, I'll definitely give it to you all. But I, I definitely remember her knowing that we might have to sleep in a bed together and, um, her being cool with it. But us also talking about if there was a couch, she'd sleep on the couch, and that's why I was surprised when the room did have a couch, that she didn't take the couch. She literally just was like, I'm sleeping in bed with you 'cause I want to snuggle.

Investigator Ware:

Well, thank you. It would be helpful if you could look for those text messages and any other text messages that would give me a better understanding of your perspective. Um, and if you could submit those to me, that would be great. And if you can find them, let me know that you can't find them.

Speaker 1:

Okay. I'll, I'll definitely do that. (silence)

Investigator Ware:

You mentioned that after you guys got into the room for dinner, Taylor started to act a wasted. You mentioned it came out of nowhere. Help me understand, act wasted.

Speaker 1:

Well, I mean, she was slurring her words, at some point she put her face in her hands and was starting to fall asleep at the table. Um, when Christina took her to the bathroom, like Christina had to help her to get there because she was in no condition to make it there on her own. Um, yeah, I mean, she was just wasted.

Investigator Ware:

Do you remember what Taylor was drinking or how much she had to drink between the time she joined you at the bar and when she started to behave, to use your words, wasted?

Speaker 1:

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I don't think she was drinking a lot, which was why I was surprised when she turned into such a mess.

Investigator Ware:

You mentioned that there was some text messages from Taylor to you at about 3:30 AM. Uh, do you still have those?

Speaker 1:

I, I'm not sure. I have to go back. I'll, I'll go back when I'm looking for the messages about the sleeping arrangements, I'll see if I have these messages as well.

Investigator Ware:

Thank you. That would be great. Now I wanna to turn our attention to the physical sexual contact between you and the complainant. Um, you mentioned, uh, or you described how the context started. Let me ask you, help me understand why you believe that Taylor had the capacity to consent to sex, given your description of her earlier in the night.

Speaker 1:

Sure. That's a fair question. Well, yeah, so Taylor had completely sobered up. I mean, it was at least five, maybe six hours after we put her to bed and she had puked. So that plus the fact that she was talking to me, like we're talking to each other right now, when I got in bed with her, like 3:30 in the morning, told me that she was sober. Also, she initiated it and was into it the whole time.

Investigator Ware:

When you say initiated it, help me understand what you mean.

Speaker 1:

I mean, she's the one who put her arm around me, turned her body towards me, um, didn't pull away when I leaned into kiss her, um, she initiated the physical contact and she was engaged the entire time.

Investigator Ware:

Thank you. Um, help me understand the position of your body in relationship to Taylor's body during intercourse.

Speaker 1:

Sure. Well, it started, like I said earlier with me on top and eventually we switched positions so that Taylor was on her knees. Um, and um, I was kneeling behind her.

Speaker 1:

When you say Taylor was on her knees and you were feeling behind her, what contact was being made between your bodies at that point?

Speaker 1:

Well, I mean, like at that point I was having sex with her. Like my, my dick was like inside of her.

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Speaker 1:

And by your dick, help me understand what you mean?

Speaker 1:

My penis.

Investigator Ware:

And when you say inside of her, can you help me understand what part of her body you're referring to.

Speaker 1:

Her, her vagina.

Investigator Ware:

Thank you. Now, at any point while your penis was inside of Taylor's vagina, did Taylor vomit?

Speaker 1:

Absolutely not.

Investigator Ware:

I wanna draw your attention now to a couple of weeks ago. Do you recall like countering Taylor at Rusty's?

Speaker 1:

So, yeah. Um, I did. I hadn't seen her in a while and she was there and she was by herself. So I went over to her and I ask, I did ask her why she'd been avoiding me. I never expected her to respond the way she did. I didn't understand it at all. And then I got the letter from you referring to, uh, then I got the letter from you. I was shocked. I am shocked. So I didn't rape her. I thought she had sobered up. I mean, she had, she was fine. This is just so unfair. It really is.

Investigator Ware:

Help me understand the way she reacted.

Speaker 1:

I don't know. She just got crazy. Like I don't ever remember what she said. I went over to her and I was like, "Why have you been avoiding me?" And she was like, "Fuck you." And just basically like spun around on her heels and turned away.

Investigator Ware:

Did she say anything else to you?

Speaker 1:

No, she literally just said, fuck you, spun on heels and walked out. I don't know if she left the bar or not, but she definitely walked away from me. It was pretty crowded that night.

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Investigator Ware:

How did she seem emotionally?

Speaker 1:

She just seemed angry. Um, she definitely seemed angry and that was pretty much it. I didn't really get it. I thought maybe she was mad 'cause I kinda started dating Lauren again, like immediately after, um, we got back. So I mentioned that I kinda was okay with her avoiding me, but, um, it was because when I got back from the formal, I reconnected with Lauren and I, you know, I, I had really loved her, when s-she broke up with me, I was devastated. And um, literally the Sunday after the formal, she texted me and said she missed me and we immediately got back together.

Speaker 1:

And I'm pretty sure that Kelly and Paul told Taylor that. And so I just expected that Taylor was pissed 'cause like we'd hooked up, and then I immediately got back with my girlfriend. Um, but whatever. Um, so yeah, that's what I thought she was mad about. And that's why I was shocked when I got the letter from, I guess it wasn't you, it was the Title IX Coordinator. Um, because I didn't rape her.

Investigator Ware:

Is there anything else that you would like to share with me about your perspective?

Speaker 1:

I'm sorry she feels the way she feels, but I'm not a mind reader. She told me she was better and she kissed me back, she was undressing me. I thought she was fine. I, I really did. That's pretty much all I have to say.

Speaker 1:

Thank you.

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Follow Up Interview of Respondent

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me again. I have some questions in follow up to our last conversation. Before we get started, do you have any questions for me or is there anything that I can do to make you feel more comfortable today?

Drew:

Um, no, I don't have any questions. You answered them all when we spoke by phone when scheduling this meeting.

Investigator Ware:

Is it ok to get started?

Drew:

Yes.

Investigator Ware:

Id like to start with discussing a text message exchange that between you and Taylor that you mentioned when we first spoke. Sppecifically, you indicate that Taylor sent you several text messages during the early morning hours of November 1, 2020 asking you to come back to the hotel room. Do you recall sharing that with me?

Drew:

I do, yes.

Investigator Plates:

Now you submitted screen shots of text messages between you and Taylor, but it doesn't appear that that exchange is included in what you previously submitted to me. Help me understand.

Drew:

So yea. I made a mistake. Those were not texts that Taylor sent that night. They were messages on snapchat so I don't have them anymore. They like disappear.

Investigator Ware:

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Thank you. You were provided a copy of Taylors written response to the evidence. In her response she asserts that she did not send you those messages. Would you like to offer a response?

Drew:

I honestly don't know why she would deny it, or why she is lying. I hate to say it, but clearly she is a liar. She is lying about me doing this and she is lying about the text messages. If this whole thing didn't have the a chance of ruining my life I would feel bad for her, because clearly there is something wrong with her. I don't mean that in a degrading way, I just cant think of any other explanation for why she would make this whole thing up. In fact, I don't even know what the point is of talking about this anymore.

Investigator Ware:

I do have additional follow up questions for you. Would you like to continue?

Drew:

Actually, no. I've said everything I am going to say.

GRAND RIVER SOLUTIONS

Interview of Witness 1 Kelly H.

Investigator:

Hello. I am Investigator Plates. Thank you for agreeing to meet with me today. My hope is that you'd be willing to talk with me a bit about, um, your observations of Taylor and Drew, um, from about the time they met, all the way through until the filing of the formal complaint. Um, are you still willing to do that, Kelly?

Kelly:

Uh, yes, I'm- I'm willing to do that.

Investigator:

Right, Kelly. Um, and so I'm hoping that, uh, we could get started. And why don't you just start by sharing with me a bit about how you know Taylor and Drew. And- and what, if anything, you know about their relationship?

Kelly:

Sure, so, um, I have been best friends with Taylor since junior high school, we went to the same junior high. Um, we- we came here to Grand River University together as, uh, freshman and, um, we live together, currently. Uh, currently we live, um, in a house. We have 10, there's 10 of us total. Um, it is Taylor and I and then, um, we have, uh, eight other roommates.

Kelly:

Um, so that's how I know Taylor. I know Drew because Drew is in my ex-boyfriend, Paul's fraternity. Or was in my ex-boyfriend... or no, is, I think, in my ex-boyfriend, Paul's, fraternity. Um, so that's how I know Drew.

Investigator:

Thank you. What are you able to tell me about your understanding of how Drew and Taylor met?

Kelly:

Sure, so, um... I think they knew of each other because, uh, Taylor is a, uh, bartender at Cheers, which I'm sure you know is, like, a place where a lot of people hang out. Like, there's like three bars in all of, um, this area and Cheers and Rusty's is... are the two most popular. And she works at Cheers. Um, and Drew definitely would, like, go there and, um, Paul, you know, and I would go there a lot. And, uh, so they knew of each other, um, but I, like, officially introduced them in the spring, like, the late spring, it was right before school ended in 2020. Um, I introduced them because Paul told me that Drew had a huge crush on, um, Taylor, for a really long time and, um, Taylor didn't really, like, notice him and wasn't really into him.

Kelly:

Um, and so I introduced them and then, of course, she did notice him and they became, like, friendly and they... I think they hung out a couple of times before that semester ended. Um, I don't know if they talked over the summer. I don't think they did but I don't know. And then, when we got back to school in the fall, like, I remember Drew being super-excited to see Taylor and went into the bar, like, the first

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Friday night, um, of the semester. So that would be fall of 2020 and, like, intentionally asked if Taylor would go to his fraternity's party the next Saturday night. Um, and I think she did. I think I saw her there. She was with some of our roommates but I, like, remember her disappearing at some point in the night and not knowing where she went. Um, and so I don't know if they hung out at that.

Kelly:

But then, I remember, like, things kind of, like, I remember Drew being super-excited to see Taylor and super-into wanting to, like, explore, like, I don't know, like, dating her. And then, so he asked her to the party and then the party happened and then all of a sudden, he like, didn't talk about her anymore and I don't really know what was up with that. Um, but I didn't really care, so I didn't ask because I didn't really think Taylor was into him, anyway. Like, I don't think she wanted to date him.

Kelly:

Um, so yeah... so, that's what I remember about the beginning of spring. And then, right before their formal, um, I was at the bar with Paul and Drew met us there and Taylor was working. And Drew came in and he was super-bummed because his girlfriend, Lauren, had broke up with him. And I suggested that he take Taylor to the formal, instead of, um, instead of going alone because he already had, like, paid for a ticket. And Taylor agreed.

Investigator:

Okay. That's super-helpful. Um, let me ask, uh, a little bit more about this conversation, um, about the formal. Where did that take place?

Kelly:

It took place at Cheers. We all were at Cheers.

Investigator:

Okay. And help me understand, um, whose idea it was that Paul, oh wait, that Drew take Taylor to the formal?

Kelly:

I think it was my idea, if I remember correctly, and then, I remember Drew being like, "That's a great idea. Do you want to come?" And then I remember Taylor being like, "Sure." Kind of like, Whatever. And I remember, like, giving her the eye, like, "Come because that way we can party together and it's, like, a free night, open bar, super-cool." And so she agreed and that's pretty much all I remember. Like, it wasn't a big deal. It was like, "You should go." "Okay, I'll go. Whatever."

Investigator:

Okay, great. Now, um, I want to focus in on the day of the formal, which was October 31st, 2020. Help me understand what you remember about that day.

Kelly:

Okay. Um, so I don't remember, like, most of the day. I don't really remember getting ready... I do remember that they picked us up and we all drove there together. Um... when we got there, we checked

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into the hotel and the guys went to drink at the bar and me and Taylor got ready in the room and we had some champagne, um, while we were getting ready or Prosecco, I don't remember which.

Kelly:

Then we met the guys downstairs and, like, I was trying to do my own thing. Taylor was with Drew. Um, the thing that I remember the most because this was a long time ago, is that Taylor got really drunk really fast. Um, and I was really surprised by it because she wasn't drinking more than normal and she has a really high tolerance. I have never seen Taylor like that. Not before and not since, it was scary, actually. I considered calling an ambulance but since she was vomiting and since we were able to get her to respond, didn't. But maybe I should have

Investigator:

Tell me more about, uh, your observations of Taylor that led you to believe that she was really drunk that night.

Kelly:

Sure. So, um, I remember she was fine and then we all went inside to where, like, the reception, if that's what, like, you would call it is, where we were going to have dinner. And we sat down at our assigned table. Um, I remember, like, looking over at Taylor and she just put her head down on the table and, like, basically passed out at the table. She couldn't sit up on her own. I was asking her if she was okay and her responses didn't make sense.

Kelly:

I went to get Paul, who had left the table to mingle with some friends, because I wanted him to help me get to her room, and when I came back, she was gone. Um, Taylor was gone. Drew told me that Kristina had taken Taylor to the bathroom because she looked like she was going to puke. I went to find her and she was passed out on some chair. Um, so I really didn't know what to do because she... I couldn't get her up and she was, like, passed out on this pink... like, I don't remember. It was like a weird color, like, loveseat in the bathroom. And so I went back into the banquet room or the reception room, whatever it's called, and I asked, um, Drew to help me carry her back to their room so we could put her to sleep so she wasn't sleeping in a bathroom. Um, and he agreed and he came with me.

Investigator:

Okay, what happened next?

Kelly:

Well, when we got back to the room, um, we put complaint in... well, wait, let me go back... So, he came in and there was a bunch of people standing around, like, trying to take care of her and she was, like, half awake, half not but like, not coherent. And he picked her up and he, like, threw her over his shoulder like a sack of potatoes, basically, is what it looked like, and carried her back to the room. And I went with him. And when we got back to the room, we put her in the bed. Um, in the bed that her... like, there was two beds in the room and Paul and I were going to be in one and her and, um, Drew were going to be in the other.

Kelly:

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So they put her in the bed and, um, uh, s... like, right after we put her down, she started puking. And so, Drew seemed pissed off from the moment that I went to ask him for help to get Taylor back to the room. Um, and when she started puking in their bed, he got even more mad. And I remember him being like, "What the fuck!" And he raised his voice. Like, he yelled, "What the fuck!" And he was just clearly angry and he was saying things like, "Your friend is ruining my night. Thanks for hooking up... me up with a fucking mess. I'm so glad you spent money to take care of a drunken asshole." I think he said something like, "I don't need this shit." And then him and I got into it and we started to argue with each other because he was being an asshole. I told him to go back to the party and that I would take care of her and he did.

Kelly:

So, I stayed with Taylor in the hotel room for about an hour before I went back down to the party myself. Um, I cleaned up the vomit, or at least, I did my best to clean up the vomit that had gotten on the bed. And I just, like, laid with her and made sure she was, like, breathing, which she was. And, um... but she was, like, out. Like, I would have to shake her really hard to get her to wake up. And so, after about an hour, um, I went back to the party and then I was checking on her, like, every, I don't know, like, 45 minutes throughout the night. Because it wasn't a long walk from our room from where the party was, um, so I kept checking on her.

Kelly:

(Silence)

Investigator:

Are able to share more about the number of times you checked on her throughout the night?

Kelly:

Well, I think I left her at around 10:30 and then I definitely went back, I remember, close to, like, midnight and then I went back again, around 1:00 and then I went back around 2:30 and she wasn't there. Um, so, when I went back around 2:30 and she wasn't there, I started to panic. Um, I started to look everywhere for her, the bar, the bonfire, the public bathrooms in the hotel and resort. Um, I finally found her stumbling down a random hallway by herself. She was barefoot and she was tripping over her dress. She seemed a little bit better, but she was still really drunk.

Investigator:

So, what are you able to tell me about what happened next?

Kelly:

Um, so I like went over to her, put my arm around her. I was like, "What are you doing?" And she was like, "I don't know where I am." I remember her just being like, "I don't know where I am. I don't know where I am." And, um, so I told her it was okay and I walked her back to her room. Um, when we got there, I helped her use the bathroom. Um, she ate some chips and I think I gave her water. Um, I definitely gave her water. And... we- we talked a little bit and then, um, I put her back in bed and she immediately passed out. Um, once she passed out, I left the room and I don't think I went back until sometime the next morning.

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Investigator:

Now, you said that, um, she drank some water. Are you able to share more about how much water she had?

Kelly:

Yeah, um, it was a 20 ounce bottle of water, uh, because it was my, like, my water bottle and I filled it twice, and I think she drank both of them. Um, so yeah, probably like, 40 ounces of water. I remember telling her to drink them fast because I didn't want her to be dehydrated because she had puked quite a bit. And I didn't want her to feel like shit the next day.

Investigator:

You've also said that you were speaking while you were in the room. Help me understand what you spoke about.

Kelly:

Sure. So, she just kept apologizing and saying that she didn't understand how she'd gotten so drunk. Her speech was still pretty slurred but at least she was somewhat coherent at that point.

Investigator:

You mentioned that she immediately passed out. Help me understand.

Kelly:

Well, I mean, like, she lay down in bed, put her head on the pillow and then, like, within minutes was snoring. She snores, so she was snoring, um, and that's when I left the room.

Kelly:

(Silence)

Investigator:

Now, you mentioned that you didn't go back to your room until the next morning. Um, help me understand where you were that night.

Kelly:

Sure, so, uh, when I left her in the room around, I would say around 3:00, um, maybe 3:30, it was, like, 3:00, 3:30, I, uh, I left her and then, um, I went back, um... I went back... Actually, Paul went back to the room sometime after to get, like, I don't know what he was getting. I think, honestly, he went to get some weed that he had brought and when he came down, he was like, "That room smells like puke. I'm not sleeping in there tonight."

Kelly:

And so, one of his other fraternity brothers, um, had a, had a double room to himself. Like, him and his date had a double room to himself and so we landed up crashing in that room and... instead of going back to our room, because Paul didn't want to sleep in there because, like I said, the room's... he thought the room smelt like puke.

Investigator:

Do you remember whose room you and Paul stayed in that night?

Kelly:

Um, honestly, I don't remember. It was one of his fraternity brothers who was, like, younger than him and I didn't know him well. Um, and we didn't really interact with him or his girlfriend or the girl he was with.

Investigator:

Okay. Now, um, what are you able to tell me about the next morning?

Kelly:

Sure. So, um, the next morning, uh, I got some text messages from... Taylor asking me to come back to the room. Um, actually, no, I think about... Now that I think about it, that night, when I was looking for her, I was texting her. Um, so, you know, the night... when I went in the room and I couldn't find her, I was texting her and she didn't text back. But the next morning she texted me and she basically asked me to come back to the room. Um, I don't remember exactly what she said but I can go back and look, um, if you want me to. But she texted me and asked me to come back.

Kelly:

And so I woke up Paul, it was pretty early, uh, and we went back to the room. And when we walked in, Taylor was not herself. She immediately said she wanted to leave. She looked so upset that, um, me and Paul didn't ask any questions we just started packing up. When... Drew came back into the room, we told him we were leaving immediately and that he could stay and catch a ride with someone else if he wanted. He started back up too, though, and we left.

Investigator:

What are you able to tell me about your observations of Drew and Taylor in the room that morning?

Kelly:

Honestly, I don't remember them talking to each other. I just remember that we, like, packed in a hurry and we left.

Investigator:

And what are you able to tell me about the car ride home?

Kelly:

Sure. I don't really remember that either, if I'm going to be honest with you. I was pretty hungover. Um, I drank quite a bit myself, the night before... well, that's not true. Um, I started out partying hard and then, after Taylor got sick, I kind of stopped drinking. But I was still tired, it was a late night and so, like, I just... I don't really remember the car ride home. I do remember, though, that when we got to our apartment, Taylor got out of the car and just kind of like slammed the door shut and went into the house. She didn't say goodbye, she didn't say thank you. Um, it wasn't like her, you know, to just leave without even saying goodbye or thank you.

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Investigator:

And did you, uh, go home too or did you go somewhere else?

Kelly:

No, I didn't go back to the apartment, um, with Taylor, instead I went back to Paul's house and I stayed there for the rest of the day and maybe through the weekend.

Investigator:

Thank you. Now, um, you mentioned that you had drank, yourself. Can you help me understand your level of intoxication the night of October 31st, 2020 into the morning of November 1st, 2020?

Kelly:

Sure, so like I said, I partied hard at the beginning of the night, um, but I pretty much stopped drinking after Taylor got sick because I wanted to be able to take care of her.

Investigator:

Thank you. What are you able to tell me about your observations of Taylor in the weeks following the formal?

Kelly:

Yeah. So, she was not herself. Um, she basically became a hermit. She, like, stopped going out for a few weeks. Um, when she did start to go out again, she was always with Joe and Brett, who are our roommates. Um, it actually kind of got weird. She didn't go anywhere without them. She totally stopped hanging out with me and Paul, unless we were at Cheers or my apartment. Didn't go to the fraternity parties anymore, didn't go to any fraternity parties anymore. It was like, almost like she was avoiding any place where she might run into Drew.

Investigator:

And did she ever tell you that she was avoiding Drew?

Kelly:

No. Um, she basically didn't say his name again to me until a few weeks ago.

Investigator:

Tell me about a few weeks ago.

Kelly:

Sure. So, um... so, Taylor had been out at the bars, I think she was at Rusty's. She came storming in my room at, like, 2:00 in the morning and woke me up. I think she was drunk. She was definitely really angry. She started pacing back and forth and she told me that the night of the formal, she had woken up to Drew having sex with her. She kept saying, "He was laughing. He thinks it's funny." I had no idea what she was talking about. I remember she stopped pacing and she looked at me real serious and said, "He's not going to be laughing when I report his ass for raping me." And then she left my room.

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Kelly:

I just sat there, I didn't know what to do. But she was so angry I let her go. I tried to talk to her about it the next day but she said it would be better if we didn't, because I would be a witness.

Investigator:

W- what observations, if any, did you make of Drew in the aftermath of this? Of the... in the aftermath of the formal?

Kelly:

Sure, so Drew got, like, back together with Lauren, literally that day. Like, when we got home, they were back together. I remember I was at their place because Drew and Paul live together, and I remember Lauren coming in and them being, like, behind closed doors. And then the next morning, so I must've spent the night that night, coming out and, like, they were a couple again. And I remember thinking that that was kind of fucked up because I knew that, like... well... I don't know. I just thought it was fucked up because he was just with Taylor but, I don't know.

Investigator:

And do you recall whether or not you shared with Taylor that Drew and Lauren were back together?

Kelly:

I don't think I told her. Um, I don't think I told her.

Investigator:

And when was the first time that you learned that there was sexual contact between Drew and Taylor the night of the formal?

Kelly:

You know, uh... I don't think it was till a couple of weeks ago. Like, I just didn't, I didn't know. She never mentioned it to me. He never said anything to me, um, I just... I don't know. I didn't, I... I don't, I don't know, but I think it was when she came into my room after being out at Rusty's that night. Talking about how he had raped her.

Investigator:

What other observations did you make of- of Taylor's, uh, after... following the formal?

Kelly:

Um, yeah, like I said, she stopped going out, um, always with Drew and Brett. Um... she just was different. She just didn't have, like, the same, like, joy that she used to have. She used to be really friendly and out-going and excited about life and that seemed like... it was like a light went out in her, is the best way to say it. And I never understood it, um, and I... you know, we've been friends for a really long time. I tried to talk to her, like, "What's..." about it. "What's going on with you?" And she would just say that she's overwhelmed with school and with work, um... And then also, there was some drama that happened so... I don't know if this is important.

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Investigator:

Go ahead and share.

Kelly:

Sure, so, um, so apparently, it came out, like, maybe two months... no it was, it was after winter break so it was early spring of 2021... No, that can't be right. So it was over winter break because a lot of us stayed up to work. And it came out that, um, my roommate Joe and Taylor had been, like, hooking up for a really long time and nobody knew about it. And they had, like, kept it secret because Joe had a girlfriend who he'd been trying to break up with but, like, was not getting the message.

Kelly:

And also, Taylor had been in a relationship with one of our other roommates, for a really long time, and they were completely over. But, like, Taylor and John were together for, like, a year and a half. Our, like, our whole freshman year and most of our sophomore year, and Joe and John are really good friends. And John took the breakup really bad and I think they didn't want to hurt John, and so they kept, like, their relationship or whatever was going on between- between them secret. And, um, basically, over winter break, John kind of caught them hooking up and there was a lot of drama in the house.

Kelly:

Like, John wound up moving out. Um, it ruined John and Joe's friendship. Um, Chantal or, um, Taylor felt really, really bad about it. Um, so it was, it was a lot of drama and she would say that that was part of the reason that she wasn't herself too.

Investigator:

Thank you. Is there anything else you think I should know?

Kelly:

Yeah, I mean, I don't think Taylor would lie about something like this. Like, we've been friends forever. She's always been honest. Um, she's not a vindictive person. I know that Drew was trying to say that she was, she's like, making this up because she's mad that they hooked up and then he got back together with Lauren. But that doesn't even make sense because she didn't like Drew before that and I... she didn't mention him after. And I don't even know if she knew that him and Lauren got back together. Like, I honestly don't know, because it was never mentioned. But I just can't see why she would make this up.

Kelly:

The other thing is that, like, Drew has a reputation, um, for... like, I've heard rumors that Drew, like, talks about, "Well, if you get a girl drunk enough, you can pretty much do whatever you want with her." And, um, Paul told me that Drew used to joke around about how they should put extra... they should have a separate punch for women at their parties, that had higher alcohol content so that the girls would get drunker so that the boys could get lucky. And I- I mean, that's basically what Paul told me, um, and so you'd probably want to talk to him about that, but I- I just... like I said, like, I believe her. I don't think she would lie about this and I think that Drew is a scumbag.

Investigator:

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Thank you. Anything more that you'd like to share?

Kelly:

No, that's it, but if there's anything else you need from me, please do let me know.

Investigator:

Yes, actually, the text messages you referred to, any messages that you have, videos, photographs, anything that you could look through that could be helpful to us, if you wouldn't mind sharing that would be great.

Kelly:

Thanks, I will do. Have a good day.

Investigator:

Thank you, you too.

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Follow Up Interview Witness 1

Investigator Plates:

Good afternoon. Thank you for agreeing to meet speak with us again. I have just a few questions in follow up to our last conversation.

Investigator Plates:

You mentioned that on the night of the incident you were texting Taylor when you discovered that she wasn't in the hotel room. Do you recall if you tried to contact her in any other way?

Kelly:

What do you mean?

Investigator Ware:

Did you call her, attempt to DM her on any social media platforms?

Kelly:

It would make sense that I would have called her. It was so long ago though that I cant say for sure that I did. I know I definitely didn't DM her

Investigator Ware:

Help me understand?

Kelly:

Taylor doesn't use social media at all. She is the only person in our generation who doesn't have insta or snapchat. She wants to be a politician and her social media aversion is related to her dreams, or something like that. She basically just steals my phone and uses my accounts to be in touch with the world

Investigator Ware:

Thank you, Kelly.

Interview Witness 3

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me. I am investigator Plates and this is investigator Ware.

Joe:

Sure. Happy to help if I can.

Investigator Ware:

It would be great if you can start by sharing how you know Drew and Taylor.

Joe:

Taylor and I have been friends since our first year and have been roommates since our second year. We both work at Cheers. She tends bar and I am a bouncer. That's how we met.

I know Drew but not well. We are not friends. I do clearly recalled the weekend that She went to that formal with him. It was Halloween weekend, a big money making night at the bar. I remember being surprised that Taylor took the night off to go. I thought it was strange. I don't know anything about what had happened at the formal, as you know I was not there.

Investigator Ware:

What can you tell us about your observations of Taylor on November 1, 2020.

Joe:

I was in the kitchen with Brett when she came home. I remember it clearly. Taylor came through the door and she looked like she'd been hit by a truck. She was a mess. Her hair was tangled and matted. Her shirt was on inside out. She was pale and her eyes were so red they were glowing. Not like hangover red, but crying red. Before I even said anything, she started to cry. Hard. I didn't know what to do, I froze. I'm not good with crying girls. Brett, he has three sisters. He went right over to her and gave her a hug.

Tay was crying so hard, she was shaking. I asked her what happened and she told us that it was the worst night ever and that she just needed to go to bed. And she did. I didn't see her again, for a few days, which wasn't normal.

Investgator plates:

Tell us more.

Joe:

Taylor was different after that weekend.

Investator Plates:

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Help us understand.

Joe:

It's hard to explain. She was less independent, I guess. She started sticking really close to me and Witness 4, which we were totally ok with. She's like a sister to me and I have always looked out for her. Before that weekend, she would get annoyed when we were overprotective of her. After that weekend, it was like she was grateful for it.

Investigator Plates:

What are you able to tell us about your understanding of Taykors reports against Drew?

Joe:

I know that something happened, but that I don't know the details. She wont speak about that weekend. I have asked a bunch of times in the last few several months what Drew did to her that night. She wont say a thing. Tay and I are really close. I love her. It kills me to see what this has done to her. She went from this happy, outgoing secure and independent woman to something different. Its like her fire went out. Its so strange because in one way we have gotten closer since it happened and in another more distant.

Investigator plates:

Help us understand?

Joe:

Well she is physically with me more. She always wants to go to and from work together. She stays close when we are out, especially if shes drinking. But emotionally, she has shut down form me. Does that make sense?

Investigator Plates:

Thank you. Is there anything more we should know?

Joe:

Yes. She isn't a liar and this hasn't been fun for her. There is nothing in it for her to make this up. That's all.

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Follow Up Interview Witness 3

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me again. I have just a one questions in follow up to our last conversation. It may seem a bit weird, but I am hoping you might answer it.

Joe:

Sure. Anything to help Taylor.

Investigator Ware:

What can you tell me about Taylor's use of social media?

Joe:

I've never known her to use it.

Investigator Ware:

Do you know if Taylor had a snapchat account.

Joe:

I mean everyone has snapchat.

Investigator Ware:

Did Taylor?

Joe:

Now that you ask, I don't know. If she did, we weren't friends which wouldn't make sense. So now that I think about it, no. I don't think Taylor has a snap account. We mostly just text or talk on the phone. We're old school that way.

Interview Witness 5

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me. I am investigator Plates and this is investigator Ware.

Christina:

Sure. Happy to help if I can.

Investigator Ware:

It would be great if you can start by sharing how you know Drew and Taylor.

Christina:

Sure. So I am a sister of national sorority. SEO is our brother fraternity and I am close with all the brothers of SEO, including Drew. I only know Taylor from Cheers and from being at the same table as her at the formal

.

Investigator Ware:

We are hoping you can share with us your observations of Drew and Taylor at the formal on October 31, 2020.

Christina:

So it was a while ago. But I remember that Taylor got really wasted really early in the night. I means she was passing out at the dinner table fifteen minutes after we sat down. As one-point she tried get up to use the ladies room and she went down. I felt bad for her, so I helped her get to the bathroom. She couldn't walk on her own; she was leaning on me for support. She's a real small girl and I'm pretty strong, so I was able to get her into a stall. I was waiting for her and a few other girls came in and I started chatting with them. While we were talking, I heard a crash and Taylor was on the ground. Another girl actually crawled under the stall door to unlock it and we picked her up and put her on this ugly pink loveseat in the bathroom. We were all taking care of her when Kelly and Drew came in and got her. That was the last I saw of her for a while.

Investigator Plates:

When did you see Taylor next?

Christina:

It was a long time later. Maybe like five hours? I was at the bar with Matt and a few others when Taylor came waddling in. I don't remember this as clearly as the beginning of the night because at this point, I was lit as fuck. But I am sure I saw her and I know it was around 2:30 a.m. because I sent Respondent a text letting him know that his date was in the bar area.

Investigator Plates:

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What are you able to tell us about your observations of Taylor's physical appearance at this point?

Christina:

I honestly don't know. She was there. That's it.

Investigator Plates:

What are you able to tell us about your observations of Taylor's behavior at this point?

Christina:

Again, same answer.

Investigator Plates:

Do you recall seeing her with Drew?

Christina:

I don't remember Drew being there. In fact, I'm pretty sure he wasn't. I checked my phone and it looks like I texted Drew to let her know that Taylor was at the bar. I wouldn't have done that if he was there. Also his response makes clear that he wasn't. People were all over the place. There was a fire outside, there were two other bars in the place. So he wasn't there.

Investigator Plates:

Do you have those messages and are you willing to share.

Christina:

Sure. They are here.

Investigator Plates:

May I hold your phone to read them?

Christina:

Absolutely.

Investigator Plates:

Thank you. In this exchange you tell Drew that Taylor did a shot. Tell me more.

Christina:

Yea. I'm not sure if that happened or if I was joking. I've tried to remember, but I honestly don't know. Like I said in the text messages, I was pretty intoxicated at that point. I had drank a lot and my friends and I did a bunch of edibles.

Investigator Plates:

Thank you. Is there anything else that you can share with me.

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Christina:

I really feel bad saying this. But that girl was fucked up. Drew is my friend, and I don't think he would intentionally hurt anyone and he was also drinking so maybe his judgement wasn't the best. But I mean, yea. The only think that should have happened to Taylor that night was that someone should have put her to bed and watched her to make sure she didn't die. I mean maybe she sobered up. I don't know. I just think....I don't know. I feel bad for them both.

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Appendix B

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Appendix B

1. Screen Shots of Text Messages Between Complainant and Respondent
2. Screen Shots of Text Messages Between Complainant and Witness 1
3. Screen Shots of Text Messages Between Respondent and Witness 5
4. Screen Shots of Text Messages Between Complainant and Witness 7

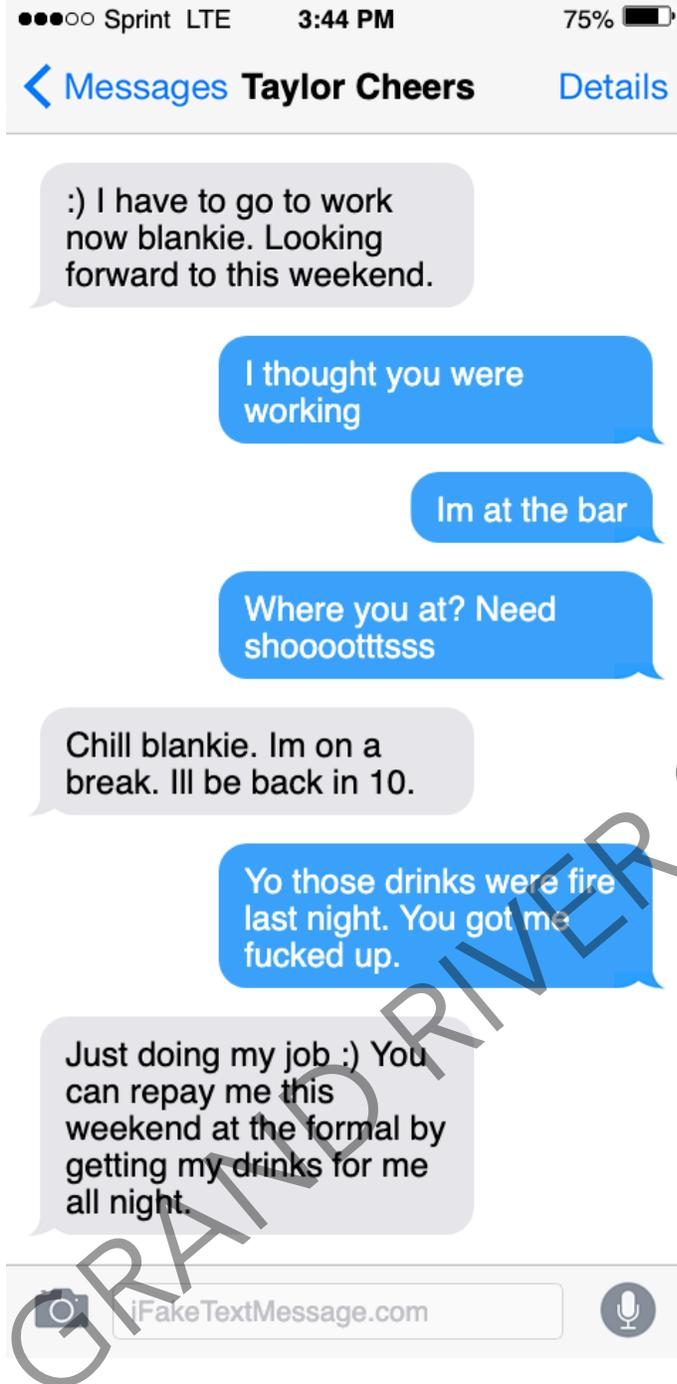
**Appendix B contains documentary evidence that the investigators have deemed relevant to the allegations in the formal complaint.

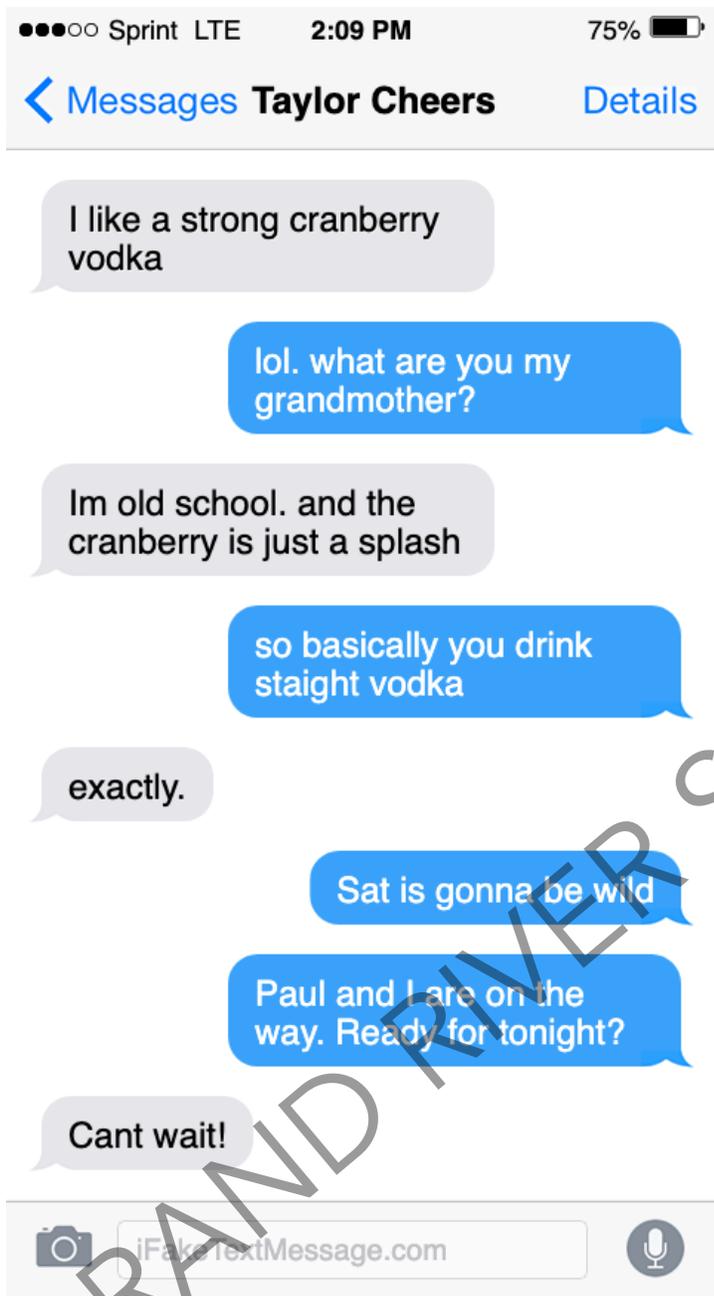
GRAND RIVER SOLUTIONS

Screen Shots of Text Messages between Complainant and Respondent 1

Screen Shots of Messages were submitted by Respondent to Investigator Plates, via email.
Date and time stamps were not provided.

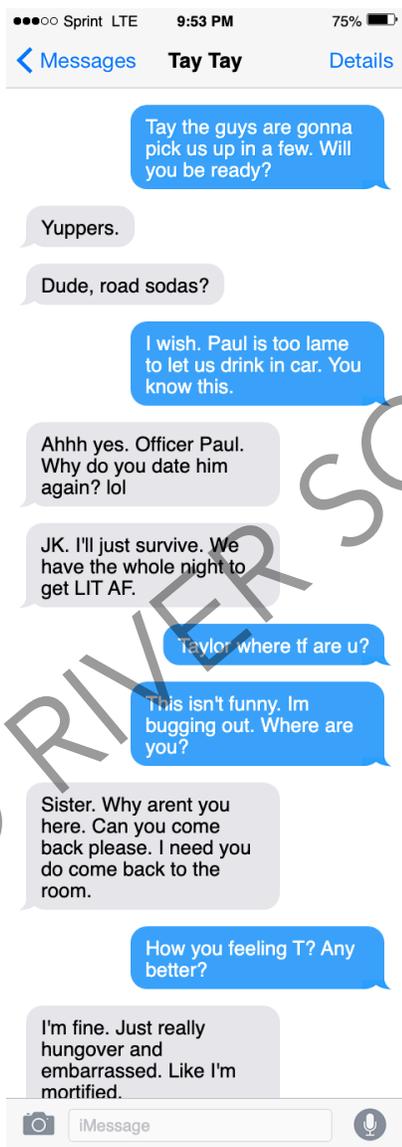






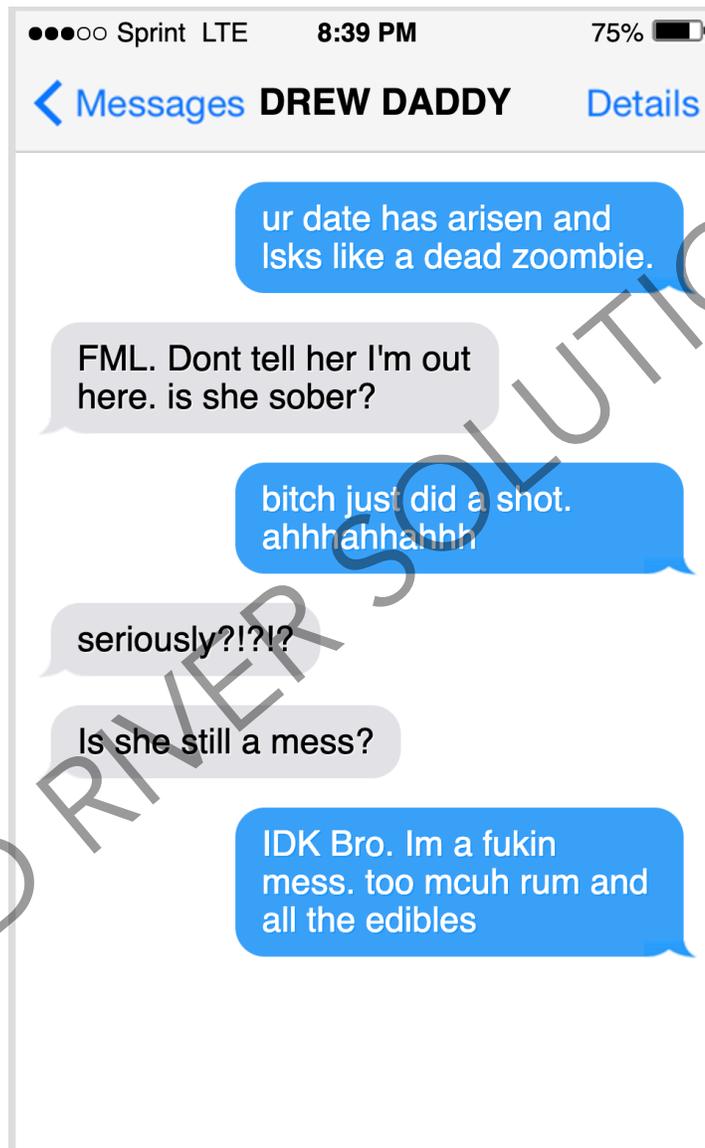
Screen Shots of Text Messages between Complainant and Witness 1
Messages obtained from Witness 1's cellular device by Investigator Ware

Date and Time Stamps indicate that the first six exchanges occurred on October 31, 2020 between 3:04pm and 3:07pm. The 7th and 8th exchange were sent on November 1, 2020 at 2:46am and 2:59am. The 9th exchange was sent on November 1, 2020 at 8:42am. The 10th was sent November 1, 2020 between 4:18pm and the final message was sent on November 1, 2020 at 8:12pm.



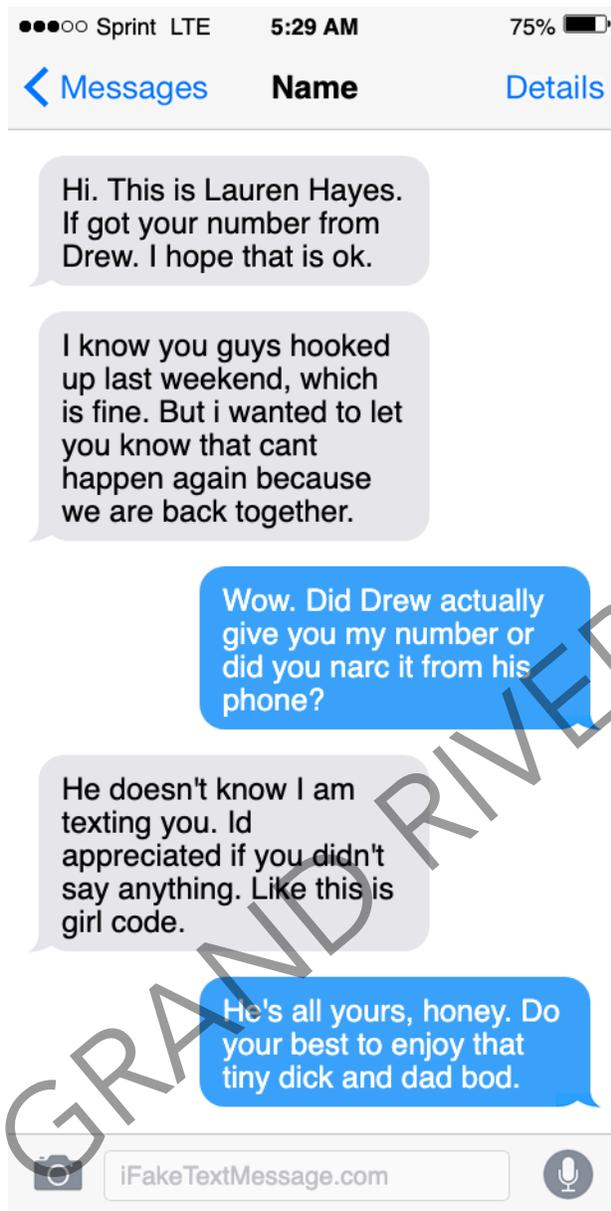
Screen Shots of Text Messages between Complainant and Witness 1
Messages obtained from Witness 5's cellular device by Investigator Plates

Date and Time Stamps indicate that exchanges occurred on November 1, 2020 between 2:37am and 2:53am.



Screen Shots of Text Messages between Complainant and Witness 7
Messages obtained from Witness 1's cellular device by Investigator Ware

Date and Time Stamps indicate that the first six exchanges occurred on November 12, 2020 between 9:22pm and 9:14pm.



Appendix C

GRAND RIVER SOLUTIONS

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Appendix C

1. Transcript of Witness 6's Interview
2. Letter Submitted by Eric Church
3. Transcript of Witness 7's Interview

**Appendix B contains documentary evidence and witness testimony that the Investigators have determined to not be relevant. This information is included, however, because it is directly related to the allegations in the formal complaint.

Interview Witness 6

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me. I am investigator Plates and this is investigator Ware.

Matt:

Yea, so before we get started, I know what you want to talk to me about. I really cant help you though.

Investigator Ware:

Tell us more.

Matt:

So not my proudest moment, but I was pretty wasted that night myself. I don't remember a thing. I drank almost a full bottle of tequila myself before we even went to the cocktail party. I had just found out that I had gotten into my first choice law school. I celebrated a little too hard I guess.

Investigator Ware:

Understanding that you cant share anything about the night at issue, can you share anything with us that might help us understand the matter we are investigating?

Matt:

I'll say this. Drew is a good guy. One of the best I know. He's not a liar. He's also not the kind of dude that needs to rape a girl to have sex. I mean before he was with Lauren, he was with a different girl everynight. I just think that this chick is pissed because he hooked up with her and then got back with Lauren. I also heard that Taylor was hooking up with one of her roommates at the time. Maybe she didn't want him to think she was like, cheating on him or whatever.

Investigator Ware:

Thank you. Have you had the opportunity to talk to Drew about these allegations?

Matt:

Of course. We are best friends.

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Investigator Ware:

What are able to tell me about those conversations?

Matt:

So, yea. I am not going to betray his trust like that. I will say I know he didn't do this.

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March 23, 2021

To Whom It May Concern:

I am writing this letter on behalf of my dear friend, Drew Smith. My name is Pastor Eric Church and I have known Drew since he was a young man. Drew has confided in me about the allegations that have been made against him and with his permission, I am writing to you as a servant of the lord and a concerned friend.

Drew is a well respected, highly trusted, and active member of our church. He is one of the few young men that participated in running kid's church. Parents trust him with their small children. I have only known Drew to be honest, kind, and respectful. I know in my heart his is not capable of doing the terrible things that he has been accused of doing.

Please consider this letter and be guided to the truth.

All my best,

Pastor Church

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Transcript Witness 7

Investigator Plates:

Thank you for agreeing to speak with me. I have now started the recording and we can get started with my questions, if you are ready.

Lauren:

Yup

Investigator Plates:

Help me understand how you know the parties, Drew and Taylor.

Lauren:

Drew and I have been dating since last fall. We broke up for a week or so around Halloween but got back together on November 1, 2020 and have been together since. I don't know Taylor other than from what people tell me about her and from ordering drinks from her at Cheers.

Investigator Ware:

What are you able to tell me about the events of October 31 into November 1, 2020?

Lauren:

I cant tell you anything. I wasn't there, unfortunately and I have to live with that.

Investigator Ware:

Help me understand live with that?

Lauren:

If I hadn't broken up with Drew for no reason, I would have gone to the formal with him. They would have never hooked up, and she wouldn't be mad enough about us getting back together to make up this awful lie.

Investigator Ware:

Tell me more.

Lauren:

Well clearly she is just mad that he had sex with her and then got back with me. In fairness, I'd be mad, too. I wouldn't like about rape though. But girls do crazy things when they are hurt.

This transcript was exported on Sep 09, 2021 - view latest version [here](#).

Investigator Ware:

Have you spoken with Drew about his experience that night?

Lauren:

No. we agreed to never discuss it because I get too upset. I don't like to think of him sleeping with another girl. I know we were broken up, but still.

Investigator Ware:

Have you spoken with Taylor about it.

Lauren:

Absolutely not. We don't speak. I cant even go to Cheers anymore because she works there.

Investigator Ware:

You mentioned that Taylor is mad at Drew for getting back together with you. Do you know when and how Taylor became aware that you were back together?

Lauren:

Sure. So on that Sunday after the formal I texted Drew that I missed him. He said he missed me too and I went to his place. We talked it out and he told me that him and Taylor hooked up. I asked him to text her to tell her that we were back together and that it couldn't happen again. He refused to do that, which really upset me. But whatever. Anyway, about a week later, I told her.

Investigator Ware:

Tell me about your conversation with Taylor.

Lauren:

I just told her that we were back together and that she needed to respect that.

Investigator Ware:

How did she respond?

Lauren:

She was really jealous. She said something about Drew having a small dick and dad bod. Which, I can tell you from experience is not at all true. She just lashed out and then she lashed out again by making this report.

This transcript was exported on Sep 09, 2021 - view latest version [here](#).

Investigator Ware:

How did this conversation occur?

Lauren:

I found her on either insta or snapchat. I don't remember which.

Investigator Ware:

Do you still have those messages?

Lauren:

I don't.

Investigator Plates:

Is there anything more that you think we should know?

Lauren:

Other than that Drew would never do what Taylor is accusing him of. He always asks for consent. Sometimes its too much. I mean he still asks me if he can kiss me every time he kisses me. He just isn't capable of what she is saying.

Investigator Ware:

Thank you, Lauren.

Appendix D

GRAND RIVER SOLUTIONS

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Appendix D

1. Procedural Timeline

GRAND RIVER SOLUTIONS

Procedural Timeline
Case Number 0011

Date	Event
February 21, 2021	Initial Report Received by the Office of the Title IX Coordinator
March 1, 2021	Formal Complainant filed by Complainant
March 2, 2021	Notice of Allegations served on Complainant and Respondent
March 3, 2021	Investigative Interview of Complainant
March 8, 2021	Investigative Interview of Respondent
March 9, 2021	Investigative Interview of Witness 1
March 10, 2021	Investigative Interview of Witness 3
March 12, 2021	Investigative Interview of Witness 6
March 14, 2021	Investigative Interview of Witness 5
March 21, 2021	Investigative Interview of Witness 7
March 22, 2021	Draft Investigative Record Shared with the Parties and their Advisors
March 25, 2021	Written Response to the Draft Investigative Report received from Complainant
April 9, 2021	Follow up interview of Respondent
April 11, 2021	Follow up interview of Witness 1 and 3
April 25, 2021	Final Investigative Report and Record shared with the parties and advisors
May 5, 2021	Deadline for the parties written responses to the final report and record

GRAND RIVER SOLUTIONS

Appendix E

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1. Investigator Abby Plates: Training Materials
2. Investigator Kevin F. Ware: Training Materials

GRAND RIVER SOLUTIONS

Sexual Misconduct Case Number 0011
Final Investigation Report

Overview of the Investigation

The following investigative report summarizes the relevant evidence obtained in an investigation conducted in response to a formal complaint filed by Grand River University student TAYLOR DOE (“Complainant”) on March 1, 2021 alleging that Grand River University student DREW SMITH (“Respondent”) violated Grand River University’s Sexual Misconduct Policy.

Objective of the Investigation and Investigative Report

The purpose of this investigation is to gather information pertinent to the reported act of prohibited conduct and identify evidence that is relevant and directly related to the allegations in the formal complaint so that a panel of independent decision makers appointed by Grand River University can make a determination regarding the facts of the matter including whether the University’s Sexual Misconduct Policy has been violated. This investigation presents the information gathered but does not draw any conclusions regarding the information gathered.

This investigation was conducted in accordance with the procedures set forth in Grand River University’s Sexual Misconduct Policy. This investigation focused on a fair and impartial collection of all available evidence including, but not limited to, witness accounts and documents. The Complainant and the Respondent were given opportunities to offer evidence for review by investigators. Prior to completion of this report, both parties and their advisors were afforded the opportunity to review all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. The parties were given ten (10) to review the evidence and submit a written response for consideration by the investigator(s) prior to the completion of this report. Their responses were considered by the investigators when developing this report and are included in Appendix A.

This report is a summary of all relevant evidence collected and reviewed as a part of the investigation. The final report was provided to the parties on April 25, 2021 and the

parties were given ten (10) days to submit a written response. The parties did not submit written responses to this report.

Prohibited Conduct Alleged

The formal complainant states that during the early morning hours of November 1, 2020 while at the Grand River Country Club, which is a building owned and controlled by Grand River University, Respondent engaged in conduct constituting Rape, as defined in section V(3) of the Sexual Misconduct Policy. Specifically, Complainant has reported that Respondent penetrated Complainant's vagina with his penis when Complainant was incapacitated by alcohol and therefore incapable of providing affirmative consent.

Jurisdiction

The University has jurisdiction to investigate this matter because the Responding Party is a student and

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in the Sigma Epsilon Omelet ("SEO") fraternity house, which is a building that is owned and controlled by the Sigma Epsilon Omelet ("SEO"), a recognized student organization.

Investigators

The University has assigned the following individuals to investigate the report:

- Abbey Plates
- Kevin F. Ware

Investigator Plates and Investigator Ware have received training in conducting investigations and writing this report, as required by law and regulation. See Appendix E for a full description of Investigator Plates' and Investigator Ware's training history.

Procedural History

Appendix D contains a document detailing the procedural steps taken in this matter from the receipt of the formal complaint to the submission of this report.

Investigation Methodology

The following interviews were conducted, and the following materials were gathered as a part of this investigation

Witness Interviews

The following witnesses were interviewed by the investigators on the dates indicated:

Witness Name	Witness identified by:	Brief Overview of Information Offered
Complainant	NA	N/A
Respondent	NA	N/A
Witness 1	Complainant	Complainant's roommate. Offered information about the prior history between the parties, was present at the formal and interacted with the parties immediately before and after the reported act of prohibited conduct.
Witness 3	Complainant	Witness 3 is Complainant's roommate. Witness 3 offered information about his observations of Complainant in the days and weeks following the reported act of prohibited conduct.
Witness 5	Respondent	Witness 5 was present at the formal. She offered information about her observations of the parties immediately prior to the alleged act of prohibited conduct.
Witness 6	Investigators	Witness 6 was present at the formal. Witness 6 was unable to provide information relevant to the alleged act of prohibited conduct.

Witness 7	Respondent	Witness 7 is Respondent's intimate partner. She provided information about her interactions with Complainant in the days following the alleged act of prohibited conduct.
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The following witnesses were identified, but not interviewed:

Witness Name	Witness identified by:	Reason Witness Not Interviewed
Witness 2	Complainant/Respondent	Witness declined to participate
Witness 4	Complainant	Attempts to contact this witness were unsuccessful

Each person interviewed was given an opportunity to review and respond to the transcript of their interview following the interview via a secure electronic file sharing system. The transcripts for each person interviewed appear in Appendix A of the Investigative Record. Any corrections or comments provided by the party or witness appear in Appendix A, immediately following their party/witness transcript.

Documents Collected

All relevant evidence collected during the course of the investigation is attached hereto in Appendix A and Appendix B. Evidence deemed irrelevant by the investigator, but that is directly related to the allegations in the formal complaint is included in Appendix C. Appendix E contains transcripts of training received by Investigators Plates and Ware. All Appendices and the evidence therein has been shared with the parties and their advisors. The parties have had equal opportunity to review the evidence and to submit written comments in response to the evidence. The written responses of the parties are included in Appendix A.

Summary of the Relevant Evidence

The investigator may choose to provide a brief overview of undisputed facts/facts in dispute, here.

Complainant's Account:

Prior History Between the Parties

Complainant is a second semester junior. She lives in an off-campus residence with eight other students. Complainant is employed as a bartender at Cheers. Complainant described Cheers as "a popular sports bar" among the undergraduate student population. (Record, p. 2).

On an unknown date towards the end of spring 2020 term Complainant's roommate, Witness 1, told Complainant that her boyfriend's fraternity brother had "noticed her" when she was working at the bar and had asked Witness 1 to introduce them. (Record, p. 3). A few days later, Witness 1 and her boyfriend, Witness 2, came into the bar when Complainant was working. Respondent was with them. According to Complainant, she immediately recognized Respondent as a regular customer of the bar. She stated that he had always been "friendly" and "awkwardly flirty" with her. (Record, p. 3).

Complainant reported that Witness 1 and Witness 2 "officially introduced" her and Respondent. Complainant stated that because she was working, she couldn't spend much time that night talking to Respondent. (Record, p. 3). Complainant reported that the next day, Witness 1 and Witness 2 asked Complainant what she thought of Respondent. Complainant stated, "I told them that I thought that [Respondent] was 'ok' but not really my type." Complainant went on, "[Witness 1] begged me to give him a chance. [Witness 1] just kept saying that it would be so much fun if we were both dating guys from the same fraternity." Complainant stated that she agreed to, "get to know [Respondent] better before totally rejecting him." (Record, p. 3).

Complainant reported that over the course of the remainder of the term, which was only a few weeks, she spent time with Respondent in large social settings on four or

five occasions. She stated that Respondent was “nice”, “attentive”, and “not at all disrespectful” towards her. (Record, p. 3-4). She stated,

“It was clear that he was into me, but he didn’t, like, try to push it. I liked hanging out with him, he was a good time, but nothing sexual ever happened between us. Honestly, I just wasn’t attracted to him. He became a friend, someone to party with, but nothing more.”

(Record, p. 4). Complainant stated that because she knew that Respondent “had a crush on her,” she was “careful to make clear that she didn’t feel the same way”. (Record, p. 4). She stated,

“I knew he liked me and I didn’t want to lead him on. I never accepted his invitations to hang out alone, I never let him buy me drinks. I even showed up to parties at his house with other guys that I was seeing at the time.”

(Record, p. 10). Complainant stated that although she never explicitly told him that she wasn’t interested in being more than friends, she thought that her actions had made that clear to him. She stated that she believed that he understood that she was not interested in him, “in that way.” (Record, p. 10). When asked to clarify what she meant by “in that way” she responded, “Sexually. Like, he knew that I didn’t want to hook up with him or date him.” (Record, p. 10).

Complainant reported that at the end of the term, she stayed in the area to work and take a summer course. She stated that she did not see or have any contact with Respondent at all over the summer. (Record, p. 4).

Complainant reported that she saw Respondent for the first time at Cheers on the first Friday night of the fall 2020 semester, which was August 31, 2020. She recalled that she and Respondent “spent a few minutes catching up.” (Record, p. 4). Complainant stated that over the next several weeks she spent time with Respondent and his friends “pretty much every weekend” in social settings. (Record, p. 4). She stated,

"I was under the impression that he had moved on, that he wasn't into me anymore. He wasn't as flirtatious, he stopped making comments that suggested that he had a crush on me. He even came into the bar a few times with another girl. I was happy because I wanted us to be friends."

(Record, p. 4). Complainant reported that on or about October 25, 2020 she was working at Cheers. She stated that Witness 1 and Witness 2 were sitting at the bar having lunch around three p.m. when Respondent showed up and joined them.

(Record, p. 4). Complainant stated that Respondent was "upset" because the girl that he had invited to go to his fraternity's formal had just cancelled on him. (Record, p. 5). Complainant stated that while Respondent was telling them what happened with his date, Witness 1 suggested that Respondent take Complainant to the formal as his date. Complainant reported that Respondent, "got really excited and was like, 'Yes! You should come with me!'" (Record, p. 5).

Complainant reported that the formal was at a "resort" about an hour away from campus and all of the attendees had plans to spend the night at the resort. (Record, p. 5). She stated that she agreed to go only after learning that she and Respondent would be sharing the hotel room with Witness 1 and Witness 2. She stated, "I didn't think anything could get weird if we were all sharing a room. So, I agreed. It sounded like fun, and he hadn't been trying to get with me for a few weeks. I thought it would be a good time with friends..." (Record, p. 5). Complainant was asked to explain what she meant when she said that she didn't think anything "could get weird." Complainant answered, "I meant that I didn't think there would be, like, any opportunity to hook up and so [Respondent] wouldn't try, which meant I wouldn't have to make things weird by rejecting him." (Record, p. 11).

Complainant reported that the formal took place the following Saturday night, which was October 31, 2020. It was held at the Grand River Resort. Complainant stated that the formal was scheduled to start at seven p.m. and was to consist of a cocktail hour, sit down dinner, and dancing. Open bar was from seven p.m. until eleven p.m. with a cash bar to follow until two a.m. All of the attendees had booked hotel rooms at the resort. (Record, p. 5).

The Day of the Formal

Complainant stated that she woke up around noon on October 31, 2020 as she had worked until 4 a.m. the night before. After waking, she went to the gym and she took a seventy-five-minute spin class. After leaving the gym, Complainant went to Wegmans and ate a six-inch turkey sandwich. After leaving Wegmans she went home and started to pack for the night. (Record, p. 6). Complainant reported that Witness 2 and Respondent picked her and Witness 1 up at their apartment at approximately 3:30 p.m. and they drove to the resort. Complainant could not recall having anything else to eat or drink prior to leaving for the resort. (Record, p. 6).

Complainant stated that they arrived at the resort at approximately five p.m. and immediately checked into their room. (Record, p. 6). When asked to describe the layout of the room, Complainant stated that the room was, "a normal hotel room." She described that it had one bathroom and two double beds. (Record, p. 6). When asked if sleeping arrangements were discussed prior to arriving at the hotel, Complainant stated that they had not been. (Record, p. 12). When asked if they were discussed once they arrived, she stated,

"We didn't talk about it. [Witness 1] and [Witness2] put their bags on one bed. [Respondent] and I put our bags on another. It was kind of understood that they would be sharing a bed and that [Respondent] and I would share a bed. I wasn't opposed to sleeping in a bed with him. When you're in college, you know, living with lots of roommates, it's common for friends to sleep in bed with each other, especially after a long night of partying. I never for a second thought that agreeing to share a bed with him was a signal that I wanted to have sex with him."

(Record, p. 12). Complainant stated that shortly after they arrived at the hotel, Respondent and Witness 2 put on their suits and then went to the hotel bar. (Record, p. 6). Once they left the room, she and Witness 1 took turns showering and started to "get ready" for the night. (Record, p. 6). Complainant mentioned that as she and Witness 1 were getting dressed they were, "pre-gaming." (Record, p. 6). When asked to explain what she meant by "pre-gaming" she stated that they were "drinking champagne." When asked how much she drank before leaving the hotel room to join

Respondent and Witness 2, Complainant stated that she had “two small glasses, about 4 ounces each.” (Record, p. 12).

The Formal

Complainant stated that after she and Witness 1 were done getting dressed they joined Respondent and Witness 2 at the hotel bar. Complainant stated that she spent time at the bar with Respondent, Witness 1, Witness 2, and a few other people whom she did not know for approximately an hour before the cocktail hour started. (Record, p. 6). While at the bar, Complainant drank a “pint of club soda” and “one glass of white wine.” She stated that she ordered both drinks herself and that she watched the bartender pour the drinks. She further reported that for the entire time that they were at the hotel bar she was seated at the bar itself, between Respondent and Witness 1. (Record, p. 6).

Complainant reported that the entire group that had been hanging out at the bar moved to the cocktail hour at approximately 7:15 p.m. (Record, p. 7). Complainant stated that there were approximately “sixty people” at the cocktail hour, most of whom she recognized from parties or the bar, but none of whom “she was she particularly close with.” (Record, p. 7). She stated,

“This wasn’t my normal crowd of friends. I knew [Respondent], and [Witness 1] and [Witness 2], of course, but the rest of the people at the party were more of the fraternity and sorority scene, which I had never been a big part of.”

(Record, p. 7).

Complainant reported that shortly after arriving at the cocktail hour, Respondent “offered to get her a drink” and she accepted. She stated that he walked away and returned a few minutes later with a “cranberry and vodka cocktail in a pint glass.” Complainant stated that the drink was “strong” and so she drank it slowly. (Record, p. 7).

Complainant stated that at the conclusion of the cocktail hour the party moved into a "big" banquet room. (Record, p. 7). She stated that she and Respondent found their assigned seats and sat down. She reported that they were seated at table with Witness 1, Witness 2, Witness 5, and Witness 6. (Record, p. 7). Complainant reported that "shortly" after they sat down, Respondent asked her if she "needed another drink." Complainant reported that she still had not finished the cranberry and vodka Respondent had gotten for her during the cocktail hour and so "I told him that I was good." (Record, p. 7). Complainant stated that Respondent left her at the table and headed to the bar to get himself another drink. When asked what Respondent had been drinking throughout the night, she stated,

"He was drinking beer up until that point. I remember that he was drinking fast. I wasn't counting, but I would say that by the time we went into the banquet room for dinner, he had had at least four bottles of some sort of IPA, which are strong beers."

(Record, p. 13).

Complainant reported that while Respondent was at the bar, she was "chatting" with Witness 1, Witness 2, Witness 5, and Witness 6. She stated that after about "twenty minutes," Respondent returned to the table. (Record, p. 7). Complainant stated that Respondent sat down next to her, "placed a full cranberry and vodka in front of her," and told her that he had gotten her, "a back-up." (Record, p. 7). Complainant stated, "I remember in the moment being annoyed by it, because I was like, 'Dude, I told you I don't need a drink, I'm a grown ass woman, I can get my own drink if I need one.'" (Record, p. 7). Complainant stated that although she was "annoyed" she "kept drinking what I had." (Record, p. 7).

Complainant stated that Respondent coming to their table and handing her another drink was her "last complete and clear memory" from that night. (Record, p. 7). Complainant reported that the "rest of her memories" from the night were like, "short movie clips." (Record, p. 7). She stated, "I remember bits and pieces. The memories that I have are crystal clear, but they are short little snippets and I'm not sure of the order, like, in which things happened." (Record, p. 7). Complainant reported,

"The first memory I have is of walking down a long hallway with a lot of doors. I remember that I was leaning against the wall for support as I was walking and I think I was barefoot. I don't remember seeing or talking to anyone. Everything was spinning. I felt like I was in a movie."

(Record, p. 8). Complainant next reported being in a bathroom with stalls. She stated that there was also a pink love seat in the bathroom. (Record, p. 8). Complainant stated that she recalled that she was on the floor in one of the stalls when two girls came into the stall, picked her up, and placed her on the couch. She stated,

"They were really nice to me. They gave me water and then [Witness 1] came in. I think someone went and got her. I remember [Witness 1] saying, 'I don't understand how she got this way.' Then things go blank again."

(Record, p. 8).

The Alleged Act of Prohibited Conduct

Complainant shared her next memory,

"I remember waking up in a bed. The room was dark and I was on my back. My dress was still on, but it was up and my arms were, like, tangled in it. I immediately felt a weight on top of me, I realized it was [Respondent]. He had his mouth on my neck and then my breasts. I remember a sharp pain in my vagina. I realized his penis was inside of me. He was, you know, having sex with me. I tried to lift my hands, but I just couldn't. I remember I tried to speak, but I couldn't find any words. And then there is no more, just black. I must have passed out again."

(Record, p. 8). Complainant stated that she remembered waking up again. She stated that she was face down in the bed with her dress pushed up so that her face was laying on the bottom part of her dress. She reported that someone was "penetrating [her] vaginally" with their penis "from behind." (Record, p. 8). She stated that she tried to push herself up and that as soon as she lifted her head, she began to vomit. She stated

that whoever had been on top of her withdrew their penis from her vagina, got off of her and yelled, "Oh fuck!" (Record, p. 8). She stated that she recognized the voice as Respondent's. (Record, p. 8). She stated that she was then "dragged by her arms" so that her head was hanging off the side of the bed and she continued to vomit. (Record, p. 8).

Complainant was asked if she had any recollection of returning to the bar in the early morning hours of November 1, 2020 and drinking more, she stated that she did not. (Record, p. 17). When asked if she had any recollection of engaging in a text or direct message exchange with Respondent that night, Complainant indicated that she did not. When asked if she had any reason to believe that she had sent him messages via snap chat, asking him to come back to the hotel room, Complainant stated that she could not have, because she did not have a snap chat account at that time. (Record, p. 17).

The Day After the Formal

Complainant stated that her next clear memory was of waking up the next morning. She stated,

"I remember waking up and being totally disoriented. I was under the covers and I had clothing on, although I wasn't sure, in the moment, what I was wearing. [Respondent] was in the bed next to me. He was asleep on top of the covers and was dressed in shorts and a t-shirt, which I thought was weird. I remember looking over at the other bed, and it was empty. I felt kind of panicked. So as soon as I sat up, I felt sick and had to run to the bathroom to throw up."

(Record, p. 8). Complainant stated that after vomiting, she washed her face and looked at herself in the mirror. (Record, p. 8). She stated that she was still in her dress and that she had a black fitted t-shirt over it. She described that the bottom part of her full-length dress and her hair were wet. (Record, p. 8). Complainant reported, "I just sat on the floor of the bathroom and I tried to figure out what happened to me." (Record, p. 9). Complainant reported,

"I couldn't remember a thing. My head was pounding; my stomach was sick. I had pain in my vaginal area. Even though I couldn't remember what had happened in that moment, I knew, I just knew that [Respondent] had had sex with me."

(Record, p. 9). Complainant stated that she stayed in the bathroom,

"for what felt like forever. I was numb. I didn't know what to do. I was so mad at myself for getting so drunk. I was frustrated that I couldn't remember anything. I was so embarrassed. In that moment I felt helpless and ashamed and, just...it was the worst feeling in the world."

(Record, p. 9). Complainant stated that at some point while she was in the bathroom Respondent started to knock on the bathroom door. (Record, p. 9). She stated that he was asking her if she was ok or if she needed anything. Complainant stated that she "didn't know what to do, but that [she] knew [she] couldn't hide in the bathroom forever." (Record, p. 9). Complainant reported that she "pulled herself together" and opened the door. (Record, p. 9). Complainant stated that Respondent told her to lay back down and that he would go and get her something to eat and drink. (Record, p. 9). Complainant stated that she got back into the bed and Respondent left the room. (Record, p. 9).

A few minutes after Respondent left the room, Witness 1 and Witness 2 came in. Complainant reported that they immediately asked her if she was ok. Complainant stated that she told them that she was "not ok" and that she wanted to go home. (Record, p. 9). Complainant stated that Witness 1 and Witness 2 immediately started to pack up. Complainant stated that by the time Respondent came back to the room with food and water for her, the rest of them were ready to go. (Record, p. 9). She stated that Witness 2 suggested to Respondent that he find another ride home, but that Respondent insisted on going with them. She stated, "He got ready super-fast and within ten minutes we were in the car and on our way home." (Record, p. 9).

Complainant stated that she didn't speak during the entire car ride home,

"I blamed my silence on being hung over. The three of them were laughing at me. [Respondent] told me that I had won the award for most wasted date. I actually felt bad, like I had embarrassed him or something. As we drove, memories of the night started to come back. When I remembered the parts where he was having sex with me, I got physically sick. I had to make [Witness 2] pull over and I was violently vomiting on the side of the road."

(Record, p. 9). Complainant stated that when they returned to the area, Witness 2 dropped her off at her apartment and that she got out of the car without saying a word. (Record, p. 9). She reported that when she entered her apartment, she immediately encountered her roommates Witness 3 and Witness 4. (Record, p. 9). Complainant reported,

"[Witness 3 and 4] looked at me and I just started to cry. They rushed over and asked me what had happened. I could tell that they knew it was something bad. I could almost feel the anger radiating off of them. It scared me. I was afraid that if I told them what [Respondent] had done to me, they would kill him. I had been friends with them since freshman year. They were protective of me, like big brothers. So I made something up. I'm not even sure what I said and I don't think they really bought it, but they left me alone. I went straight to my room and I slept for days."

(Record, p. 9).

The Events Following the Formal

Complainant reported that in the weeks following the incident she "was angry." (Record, p. 14). She stated,

"I was convinced that he had drugged me. I was a bartender; I drank a lot. My tolerance for alcohol was high. There was no way that I had gotten that wasted off of three, maybe four, drinks."

(Record, p. 14). Complainant stated that she did her best to avoid Respondent and it seemed as if he was avoiding her too.

"I didn't go to parties at his house. He stopped coming into the bar. If I saw him at out, I would immediately leave. I managed to go the whole rest of the semester without seeing him. Not seeing him, it helped. Allowed me to forget, or at least convince myself that it didn't happen."

(Record, p. 14).

Complainant was asked why she did not report the incident. She explained that at first, she didn't "realize" that what Respondent "had done" was "rape." (Record, p. 14). She stated,

"That morning, I knew what he had done was wrong. I knew that in my bones. And deep down I believed that I had been drugged, but I had no proof that it was him. He was my friend, and so part of me wanted to give him the benefit of the doubt. I mean I couldn't remember what had happened. I wondered if maybe I asked for it, led him on. I don't know. But the further away I got from the night the more I realized that I was out of it. Everyone I spoke to about that night said that I was a complete mess. Falling all over the place. Incoherent. Vomiting. Passed out on a bathroom floor. And he knew that. A few weeks after the formal [Witness 2] told me that [Respondent] had literally carried me from the bathroom back to the hotel room, over his shoulder, 'like a sack of potatoes'. It was then that I realized that he didn't deserve the benefit of the doubt. That he had raped me. But then it seemed like it was too late. Who would believe me now?"

(Record, p. 14-15).

The Parties Encounter at Rusty's

Complainant was asked to describe her decision to report this incident now. She responded by reporting an encounter that she had had with Respondent a week prior to making this report. She stated that she had "successfully avoided" Respondent for

months, but that about a week ago she was at a local bar called Rusty's. (Record, p. 15). Complainant reported that while there, Respondent approached her and asked her why she had been avoiding him since the formal. Complainant reported that she said to Respondent, "You know why" and attempted to walk past him. Complainant reported that Respondent stepped in front of her so that she couldn't walk away and said, "Why don't you enlighten me?" (Record, p. 15). Complainant stated,

"He was smirking. He knew exactly what I meant. It seemed like he wanted to make me say it. I refused. I called him a 'sick fuck' and pushed passed him. He started to follow me. I started to run, like a crazy person, through the bar to get away from him. I was crying. When I got to the door I looked back, he wasn't, he wasn't following me anymore, but he was standing there watching me and he was laughing."

(Record, p. 15). Complainant stated that it was at that moment that she decided to report him. (Record, p. 9).

Respondent's Account

Prior History Between the Parties

Respondent stated that he is a second semester junior. He is a member of the Sigma Epsilon Omelet ("SEO") fraternity. (Record, p. 20). Respondent reported that he lives in an off-campus residence with fifteen of his fraternity brothers. Respondent reported that he had, "known of Complainant" since the start of his sophomore year. (Record, p. 20). Respondent stated that he "officially" met Complainant for the first time towards the end of the fall 2019 semester after having been introduced by his fraternity brother, Witness 2. (Record, p. 20).

Respondent stated that during the spring 2020 term him and Complainant "hung out a few times." He stated, "I can't really remember what we did or who was around, but I remember seeing her out more and making an effort to talk to her more." (Record, p. 20). Respondent explained that the more he got to know Complainant, the more he liked her. (Record, p. 20).

"I was interested in her. You know, I wanted to date her maybe. She's a pretty girl and she was fun to hang out with. I thought she was interested in me too. She definitely flirted with me."

(Record, p. 20). Respondent stated that he didn't ask her out or "make a move" that semester because, "school was almost over for the year and I was going home for break. There was no point in starting something right before I was going to leave, so I didn't make a move." (Record, p. 20).

Respondent was asked to explain what Complainant did to make him feel as if she had been flirting with him. Respondent stated that whenever he saw her, she seemed to get, "real excited, like she was happy to see me." (Record, p. 23). He stated that whenever he went into the bar, she would serve him right away and often gave him drinks on the house. He added that when she would see him at parties, she would "hug" him and, "let her hand linger on my should for like normal than longer." (Record, p. 23). He concluded by stating that there was more, but that it was so long ago, he could not give more specific examples. Respondent stated, "She was just interested in me; I could tell by the way she acted. It was clear to me and to my boys. I know she's saying now that she wasn't, but I am sure that she was." (Record, p. 23). Respondent was asked if Complainant ever explicitly told him or anyone else that she was "interested in him" during the spring of 2020. Respondent stated, "Not that I can remember." (Record, p. 23).

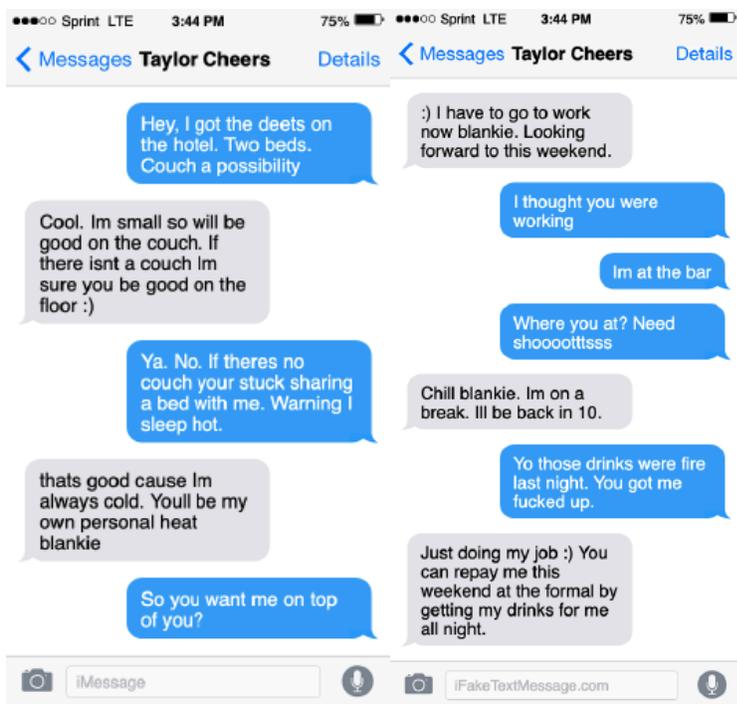
Respondent stated that after returning to school for the fall 2020 semester he was "eager" to see Complainant again. He stated, "I absolutely went to the bar that first Friday night to invite her to our party the next night. I wanted to see her. I was hoping to pick up where we left off." (Record, p. 20). Respondent reported that they hung out several times, but that things, "never went anywhere with [Complainant]" and that he had started seeing Witness 7, also a Grand River University student. (Record, p. 21). Respondent stated that Witness 7 was supposed to be his date to the formal, but that less than a week before the event, she broke up with him. (Record, p. 21). Respondent reported that Witness 1 recommended that Complainant go to the formal with him. Respondent stated that he thought "it was a great idea" and him and Complainant made plans for her to be his date to the formal. (Record, p. 21).

The Day of the Formal

Respondent reported that he and Witness 2 picked Complainant and Witness 1 up at their apartment in the afternoon on October 31, 2020. (Record, p. 21). Respondent stated that after arriving at the resort, they checked into their room. R (Record, p. 21). Respondent stated that he was surprised when Complainant put her belongings on the same bed that he had put his stuff down on. (Record, p. 21). When asked to explain, he stated,

“The room had two beds and a small couch. [Witness 1] and [Witness 2] put their stuff on a bed. I put my stuff on the other bed. [Complainant] could have claimed the couch, but she didn’t.”

(Record, p. 24). Respondent stated that he asked Complainant if she was cool with sharing a bed. Respondent reported that Complainant told him that she was and she said to him, “that she was looking forward to a good snuggle.” (Record, p. 21). Respondent reported at some point before the formal, he and Complainant had engaged in a text message exchange about sleeping arrangements and that in that exchange, Complainant indicated that she was ok with sleeping in the same bed. (Record, p. 24). Respondent provided screen shots of these text messages:



(Record, P. 53).

Respondent stated that after about fifteen minutes in the room he and Witness 2 left to go to the hotel bar while the, "girls got ready." (Record, p. 21).

The Formal

Respondent stated that Complainant joined him at the bar about an hour prior to the cocktail hour, which started at seven p.m. He stated,

"[Complainant] was fine when she came down. She was fine during the cocktail hour. Then like twenty minutes after we sat down for dinner she started to act wasted. It was crazy and it came out of nowhere. I mean it was only 8:30 and she was ready to be put to bed. I just figured that she hadn't eaten or something. I gave her some bread and she ate it. I got her water, too."

(Record, p. 21-22).

Respondent was asked to describe what he meant when he said that Complainant, "started to act wasted." Respondent stated that she was slurring her words and that she had put her face in her hands and was, "starting to fall asleep at the table." (Record, p. 24). When asked, Respondent could not recall what Complainant was drinking or how much she had had to drink between the time she joined him at the bar and when she started to behave as described above. Respondent reported, "I didn't think she was drinking a lot, which is why I was surprised when she turned into a mess." (Record, p. 24-25).

Respondent stated that "after he fed [Complainant]", Witness 5 took Complainant to the bathroom because, "She was in no condition to make it there on her own." (Record, p. 22).

Respondent reported that approximately twenty minutes after Witness 5 took Complainant to the bathroom, Witness 1 approached him and asked him if he could help get Complainant to their hotel room. (Record, p. 22). He stated,

"I followed [Witness 1] to the girl's room. I...actually went in and [Complainant] was asleep in a chair. She had puke on her dress, I remember that. I picked her up over my shoulder and carried her to our room. She was awake, but out of it. [Witness 1] was with me the whole time. We put her in bed. The second I put her down, she started to vomit and I panicked. I turned her on her side and she kept puking off the side of the bed. I held her hair back the best I could. When she was done, [Witness 1] cleaned her with a wet towel. I got her water and she drank some. Then we turned her on her side, put a garbage pail next to her, and I left. [Witness 1] stayed with her. I don't know for how long. It was probably between nine and nine thirty when this happened."

(Record, p. 22). Respondent stated that after leaving the room he went back to the party and that at around one a.m. he joined a large number of people outside for a bonfire. (Record, p. 22). He stated that he came back inside around three a.m. and joined a few people at the bar. He reported that shortly after coming inside, Witness 5 told him that Complainant had come down to the bar area around two-thirty a.m. and

had stayed for about an hour. According to Respondent, Witness 5 stated that Complainant, "Seemed better." (Record, p. 22).

The Alleged Act of Prohibited Conduct

Respondent reported that at around 3:30 a.m. Complainant sent him a series of text messages asking him to come back to the room. (Record, p. 22). In a subsequent interview, Respondent indicated that this exchange occurred via snap chat, not text message. Respondent stated that he could not provide screen shots of this exchange, because the messages had automatically been deleted by snap chat. (Record, p. 28).

Respondent stated that he went back to their hotel room and that when he got there, Complainant was awake and "seemed fine." (Record, p. 22). He stated that he got in bed with Complainant and they started to talk. He stated,

"I asked her if she felt better and she told me yes. She apologized and I told her not to worry about it. At that point I was pretty drunk myself and I just wanted to go to sleep.¹ At some point she put her around me and snuggled into me. I rolled onto my side and we were face to face; she didn't back away so I kissed her. She kissed me back. I got on top of her and she continued to kiss me back. I asked her again if she was ok and she moaned. We started to undress each other. Before I knew it, we were having sex. She was totally awake and totally into it."

(Record, p. 22). Respondent was asked why he believed Complainant had the capacity consent to sex. Respondent stated,

"[Complainant] had completely sobered up. I mean it was at least five, maybe six hours after we put her to bed and she had puked. So that plus the fact that she was talking to me like we are talking to each other right now told me she was sober. Also she initiated it and was into it the whole time."



¹ Respondent reported that over the course of the evening, from seven p.m. to three a.m., he drank approximately seven IPAs and had done at least 3 shots of tequila.

(Record, p. 25). Respondent was asked to describe the position of his body in relationship to Complainant's body when his penis was inside of Complainant's vagina. Respondent stated that "it started" with him "on top" and that eventually they "switched positions" so that Complainant "was on her knees," and he was penetrating her vagina with his penis while "kneeling behind her." (Record, p. 25-26). Respondent was asked if Complainant vomited at any point while they were having sex. Respondent stated, "absolutely not." (Record, p. 26).

The Day After the Formal

Respondent stated that Complainant, "was acting weird the next morning. I just thought it was because she was embarrassed about how she had acted the night before." (Record, p. 22-23). Respondent also stated that following this incident he didn't see Complainant that often. (Record, p. 23). Respondent stated, "She was clearly avoiding me and honestly, I was ok with that. I started dating someone else shortly after that and so I didn't seek her out either." (Record, p. 23).

The Parties Encounter at Rusty's

Respondent stated that he saw Complainant at Rusty's a few weeks ago. (Record, p. 26). Respondent stated, "I did ask her why she had been avoiding me. I never expected her to respond the way she did." (Record, p. 26). Respondent reported the Complainant, "just got crazy." (Record, p. 26). He stated that Complainant said, "fuck you" and walked away from him. When asked if Complainant said anything else to him, Respondent stated, "No, she literally just said, fuck you, spun on heels and walked out. I don't know if she left the bar or not, but she definitely walked away from me." (Record, p. 26). Respondent stated,

"I didn't understand it at all. And then I got the letter from you [referring to the investigators]. I was shocked. I am shocked. I didn't rape her. I thought she had sobered up. I mean she had. She was fine. This is just so unfair. It really is...."

(Record, p. 26). Respondent stated that at the time of this encounter, he believed that Complainant was angry at him because he had gotten back together with Witness 7 immediately after the formal. Respondent stated,

"I'm pretty sure that [Witness 1] and [Witness 2] told [Complainant] that. And so I just expected that [Complainant] was pissed cause like we'd hooked up, and then I immediately got back with my girlfriend. Um, but whatever. Um, so yeah, that's what I thought she was mad about. And that's why I was shocked when I got the letter from, I guess it wasn't you, it was the Title IX Coordinator. Um, because I didn't rape her."

(Record, p. 27). When asked if there was anything else that he wanted to share, Respondent stated, "I'm sorry she feels the way she feels. But I am not a mind reader. She told me she was better, she kissed me back. She was undressing me. I thought she was fine. I really did." (Record, p. 27).

Witness 1's Account

Prior History Between the Parties

Witness 1 reported that she and Complainant have been best friends since junior high school and are current roommates. (Record, p. 30). She stated that she and her ex-boyfriend, Witness 2, introduced Complainant and Respondent in the late spring of 2020. (Record, p. 30). She stated that Respondent, "had a huge crush" on Complainant for a long time, but that Complainant was never really into him. (Record, p. 30).

Witness 1 explained,

"I remember that up until the night of the formal they were totally cool with each other, which is why I suggested that he take her to the formal when his date ditched him last minute."

(Record, p. 31).

The Formal

Witness 1 stated that Complainant got "really drunk really fast" the night of the formal. She stated that she was "surprised" because, "[Complainant] wasn't drinking more than normal and she has a really high tolerance." (Record, p. 32). Witness 1 went on, "I have never seen [Complainant] like that. Not before and not since. It was scary,

actually. I considered calling an ambulance, but since she was vomiting and since we were able to get her to respond, I didn't. Maybe I should have..." (Record, p. 32).

Witness 1 reported that shortly after they sat down for dinner Complainant just put her head down on the table and passed out. (Record, p. 32).

"She couldn't sit up on her own, I was asking if she was ok and her responses didn't make sense. I went to get [Witness 2], who had left the table to mingle with some friends. I wanted him to help me get her to the room. When I came back, she was gone. [Respondent] told me that [Witness 5] had taken [Complainant] to the bathroom because she looked like she was going to puke. I went to find her and she was passed out on some chair."

(Record, p. 32). Witness 1 stated that she went back to the banquet room and asked Respondent to carry her back to their room. (Record, p. 32).

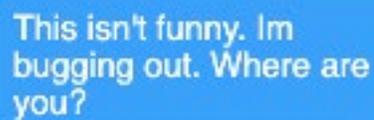
Witness 1 stated that when they got back to the room they put Complainant in the bed. Witness 1 stated shortly after they set Complainant down, she started "puking." (Record, p. 32). Witness 1 stated that Respondent seemed, "pissed off" from the moment Witness 1 asked him to help her get Complainant back to their room. (Record, p. 33). She explained that when Complainant began vomiting in their bed, Respondent yelled, "What the fuck!" Witness 1 stated that Respondent was "clearly angry" and was saying things like, "your friend is ruining my night", "thanks for hooking me up with a fucking mess", "I'm so glad that I spent money to take care of a drunken asshole" and, "I don't need this shit." Witness 1 reported that she and Respondent started to argue with each other "because he was being an asshole. I told him to go back to the party and that I would take care of her." (Record, p. 33).

Witness 1 reported that she stayed with Complainant in the hotel room for about an hour before going back to the party herself. (Record, p. 33). Witness 1 stated that during that time she did her best to clean up the vomit that had gotten on the bed. She stated that after going back to the party she checked on Complainant a few times. (Record, p. 33).

Witness 1 stated that at around two-thirty a.m. she went to check on Complainant and found the room empty. (Record, p. 33). Witness 1 stated that she panicked, "I started to look everywhere for her, the bar, the bonfire, the public bathrooms." Witness 1 described that she sent the following text messages to Complainant, but did not receive a response.



Taylor where tf are u?



This isn't funny. Im bugging out. Where are you?

Witness 1 reported, "I finally found her stumbling down a random hallway by herself. She was barefoot and she was tripping over her dress. She seemed a little better, but she was still really drunk." Witness 1 stated that Complainant repeated, "I don't know where I am." (Record, p. 33). Witness 1 stated that she walked Complainant back to their room. Once they got there, Complainant used the bathroom, ate some chips and drank at least two twenty-ounce bottles of water. (Record, p. 33). Witness 1 reported, "[Complainant] just kept apologizing and saying that she didn't understand how she had gotten so drunk. Her speech was still slurred, but at least she was somewhat coherent at that point." (Record, p. 34). Witness 1 reported that as soon as Complainant lay back down in bed, she immediately, "passed out." (Record, p. 33, 34). Witness 1 then left the room and didn't return until sometime the next morning. (Record, p. 33).

Witness 1 was asked to share how much she had drank on the night of October 31, 2020 into the morning of November 1, 2020. She stated that while she had intended to drink a lot, she pretty much stopped drinking after Complainant got sick because she wanted to be able to take care of her. (Record, p. 36).

The Day After the Formal

Witness 1 reported that she and Witness 2 spent the night in another room because their room “smelled like puke.” (Record, p. 34). When they went to the room the next morning Complainant was awake and Respondent was not there. Witness 1 stated,

“[Complainant] was not herself. She immediately said she wanted to leave. She looked so upset that we [referring to herself and Witness 2] didn’t ask any questions. We just started packing up. When [Respondent] came back we told him we were leaving immediately and that he could stay and catch a ride with someone else if he wanted. He started packing too and we left.”

(Record, p. 34). Witness 1 could not recall the car ride home, however she did report that when they got to their apartment, Complainant got out of the car and went into their house without saying a word. She stated, “It wasn’t like her, you know, to just leave without even saying goodbye or thank you.” (Record, p. 34). Witness 1 stated that she did not go home with Complainant, rather she went back to Witness 2’s residence for the rest of the day. (Record, p. 34).

The Events Following the Formal

Witness 1 stated that in the weeks following the formal, Complainant was “not herself.” Witness 1 reported that Complainant “stopped going out for a few weeks” and that when she started to “go out again” she was always with “Witness 3 and 4.” Witness 1 said, “She didn’t go anywhere without them. She totally stopped hanging out with me and Witness 2 unless we were at Cheers or at my apartment.” (Record, p. 36, 37).

Witness 1 reported that she first learned of Complainant’s report against Respondent a few weeks ago. She stated,

“[Complainant] had been out at the bars, Rusty’s, I think. She came storming in my room at like two in the morning and woke me up. I think she was drunk. She was definitely really angry. She started pacing back and forth and she told me that the night of the formal she had woken up to [Respondent] having sex with her. She kept saying, ‘He was laughing, he thinks its funny.’ I had no idea what she was talking about. I remember she stopped pacing and she looked at me real serious and said, ‘He’s not

going to be laughing when I report his ass for raping me.' Then she left my room. I just sat there. I didn't know what to do, but she was so angry I let her go. I tried to talk to her about it the next day, but she said it would be better if we didn't because I would be a witness."

(Record, p. 36-37)

Witness 3's Account

Witness 3 reported that he has been friends with Complainant since their freshman year at Grand River University. (Record, p. 41). They have been living in the same off campus apartment since their sophomore year. Witness 3 is also employed at Cheers as a bouncer. Witness 3 stated that he knows who Respondent is, but they are not friends and he doesn't know him well. Witness 3 stated that he clearly recalled the weekend that Complainant went to the formal with Respondent. He stated, "It was Halloween weekend, a big money making night at the bar. I remember being surprised that [Complainant] took the night off to go." (Record, p. 41).

The Formal

Witness 3 started by stating that he couldn't tell the Investigators anything about what had happened at the formal because he wasn't there. (Record, p. 41).

The Day After the Formal

Witness 3 stated that he and Witness 4 were in the kitchen area of their apartment when Complainant returned home from the formal. Witness 3 stated,

"I remember it clearly. [Complainant] came through the door and she looked like she'd been hit by a truck. She was a mess. Her hair was tangled and matted. Her shirt was on inside out. She was pale and her eyes were so red they were glowing. Not like hangover red, but crying red. Before I even said anything, she started to cry. Hard. I didn't know what to do, I froze. I'm not good with crying girls. [Witness 4], he has three sisters. He went right over to her and gave her a hug."

(Record, p. 41). Witness 3 stated that Complainant was crying so hard, she was "shaking." (Record, p. 41). Witness 3 stated that at some point, he asked her what had happened. Witness 3 reported that Complainant told him and Witness 4 that she had had, "the worst night ever" and that she, "just needed to go to bed." (Record, p. 41). Witness 3 stated that Complainant went to her room and that he didn't see her again, "for a few days." (Record, p. 41).

The Events Following the Formal

Witness 3 reported that Complainant was "different" after that weekend. (Record, p. 41). When asked to explain, Witness 3 stated,

"It's hard to explain. She was less independent, I guess. She started sticking really close to me and Witness 4, which we were totally ok with. She's like a sister to me and I have always looked out for her. Before that weekend, she would get annoyed when we were overprotective of her. After that weekend, it was like she was grateful for it."

(Record, p. 42).

Witness 3 was asked to share his understanding of Complainant's report against Respondent. He stated that he knows that something happened, but that he has no details. He concluded by stating that Complainant still hasn't spoken to him about that weekend even though he has asked her numerous times over the course of the last several months, "what [Respondent] did to her that night." (Record, p. 42).

Witness 5's Account

Witness 5 is a sister of Sigh Omelet Barista ("SOB") sorority. She stated that she is close friends "with all the brothers of SEO." (Record, p. 44). Witness 5 attended the formal on October 31, 2020 with Witness 6. (Record, p. 44). Witness 5 stated that she had not spoken to Complainant prior to the formal but that she had known who Complainant was because she worked at Cheers. (Record, p. 44).

The Formal

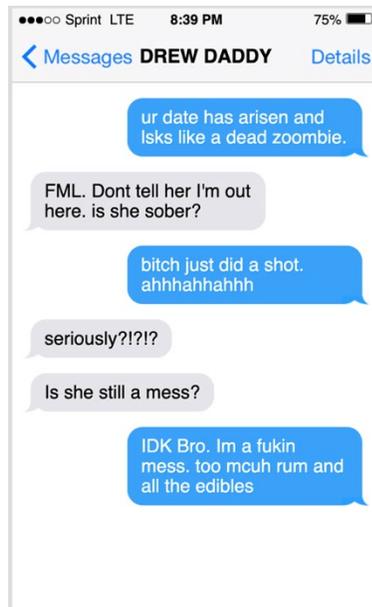
Witness 5 reported that Complainant "Got really wasted really early in the night." (Record, p. 44). Witness 5 stated that Complainant started passing out at the dinner table, "fifteen minutes after we sat down." (Record, p. 44). Witness 5 reported that at one-point Complainant tried to get up to go to the bathroom and she fell. Witness 5 stated,

"I felt bad for her, so I helped her get to the bathroom. She couldn't walk on her own; she was leaning on me for support. She's a real small girl and I'm pretty strong, so I was able to get her into a stall. I was waiting for her and a few other girls came in and I started chatting with them. While we were talking, I heard a crash and [Complainant] was on the ground. Another girl actually crawled under the stall door to unlock it and we picked her up and put her on this ugly pink loveseat in the bathroom. We were all taking care of her when [Witness 1] and [Respondent] came in and got her. That was the last I saw of her for a while."

(Record, p. 44).

Witness 5 stated that next time she saw Complainant was approximately five hours later. (Record, p. 44). Witness 5 stated that she was at the bar with Witness 6 and a few others when Complainant came in. Witness 5 stated that her memory with respect to this part of the night "is fuzzy" because she was "lit as fuck" at that point. (Record, p. 44). Witness 5 stated, "I am sure I saw her and I know it was around 2:30 a.m. because I sent Respondent a text letting him know that his date was in the bar area." (Record, p. 44). When asked if she could share her observations of Complainant's physical appearance or behavior when she saw her at this point in the night, Witness 5 stated, "I honestly don't know. She was there. That's it." (Record, p. 45).

Witness 5 shared the following screen shot of the text message exchange between Witness 5 and Respondent on November 1, 2020 between 2:37 a.m. and 2:53 a.m.



(Record, p. 56).

Witness 5 was asked if she observed Complainant taking a shot, as indicated in the text message exchange, above. Witness 5 stated,

“Yea. I’m not sure if that happened or if I was joking. I’ve tried to remember, but I honestly don’t know. Like I said in the text messages, I was pretty intoxicated at that point. I had drank a lot and my friends and I did a bunch of edibles.”

(Record, p. 45). When asked if there was anything more that she wanted to share with the investigators, Witness 5 stated,

“I really feel bad saying this. But that girl was fucked up. [Respondent] is my friend, and I don’t think he would intentionally hurt anyone and he was also drinking so maybe his judgement wasn’t the best. But I mean, yea. The only think that should have happened to [Complainant] that night was that someone should have put her to bed and watched her to make sure she didn’t die. I mean maybe she sobered up. I don’t know.”

(Record, p. 46).

Procedural Next Steps

Section XII of Grand River University's Sexual Misconduct Policy requires that, "Upon completion of the investigation, if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations, the Title IX Coordinator may dismiss the formal complaint prior to the hearing."

It is the finding of this investigator that there is sufficient evidence to advance the allegation in the formal complaint to a hearing.

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GRAND RIVER SOLUTIONS



Investigative Report Writing Workshop

Training Packet

January 2022

*This training packet is intended for educational purposes only, and not as sample documents. The partial report and supporting statements included in this packet is designed solely to facilitate an understanding of the hearing process and is not intended to reflect a completed investigation report.

FORMAL COMPLAINT OF A VIOLATION OF GRAND RIVER UNIVERSITY'S TITLE IX POLICY/SEXUAL MISCONDUCT POLICY

Cherie Shipper, Title IX Coordinator, prepared this Formal Complaint for the purpose of providing notice of the following allegations of Prohibited Conduct and its date, time, and location, to the extent known: Rape, as defined in section V(3) of the Sexual Misconduct Policy.

1. Taylor Doe (the "Complainant") is an UNDERGRADUATE student at Grand River University
2. The Complainant is signing this statement because they believe Drew Smith (the "Respondent"), an UNDERGRADUATE student violated the Sexual Misconduct Policy's prohibition against Rape during the early morning hours of November 1, 2020 while at Grand River Country Club, a building owned and controlled by the University.
3. Alleged Misconduct:

It is alleged that Respondent violated Grand River Solution's Sexual Misconduct Policy's prohibition against Rape, as defined in section V(3) of the Sexual Misconduct Policy. Specifically, it is alleged that during the early morning hours of November 1, 2020 while at the Grand River Country Club, which is a building owned and controlled by Grand River University, Respondent engaged in conduct constituting Rape, as defined in section V(3) of the Sexual Misconduct Policy. Specifically, Complainant has reported that Respondent penetrated Complainant's vagina with his penis when Complainant was incapacitated by alcohol and therefore incapable of providing affirmative consent.

Complainant Signature(s)

By signing below, I agree the above information is accurate, to the best of my knowledge:

Complainant Name: Taylor Doe Signature: Taylor Doe. Date: 3/1/21

By signing below, I am indicating I wish to proceed with a formal investigation under Grand River University Sexual Misconduct Policy

Complainant Name: Taylor Doe Signature: Taylor Doe. Date: 3/1/21

By signing below, I am indicating I am open resolving this matter through Informal Resolution:

Complainant Name: _____ Signature: _____ Date: _____

Please indicate:

Formal Complaint on behalf of the *College/University*. Pursuant to the [Applicable Policy]: "Where the Title IX Coordinator determines that the *College/University* cannot honor a complainant's request that no Formal Complaint be pursued under these procedures, the Title IX Coordinator will promptly initiate the resolution process under these procedures by making a signed, written Formal Complaint on behalf of the *College/University*."

Title IX Coordinator: _____ Signature: _____ Date: _____

NOTICE OF ALLEGATIONS AND FORMAL INVESTIGATION

March 2, 2021

Taylor Doe

SENT VIA EMAIL TO: *t DOE3@GRU.EDU*

RE: Case No 0011 Investigation of Possible Violations of the University Sexual Misconduct Policy

Dear Taylor:

On March 1, 2021, you filed a written Formal Complaint in accordance with the University's Title IX office alleging that Drew Smith engaged in conduct constituting a violation of the University's Sexual Misconduct Policy. A copy of signed Formal Complaint is attached. This letter contains information regarding these allegations, the investigation and hearing process that will be used, your rights during these processes, and resources available to you. Although this letter is lengthy, it contains important information. You are encouraged to read this letter carefully and in its entirety.

ALLEGATIONS AND APPLICABLE POLICY

The Formal Complaint alleges that Respondent engaged in conduct prohibited by section V3 of the Sexual Misconduct Policy entitled Rape and is defined as follows:

Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim.

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-
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 - Exercise your right to appeal any sanctions as well as the hearing officer's decision, if any, on grounds permitted under in the Title IX Policy.

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RESOURCES

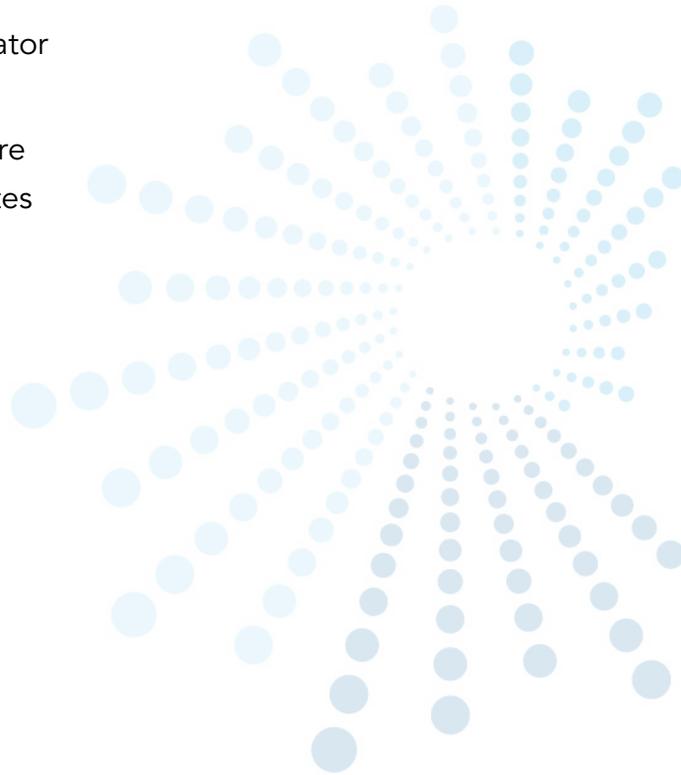
If you would like confidential assistance or support, information about our resources can be found here: www.gru.edu/titleix/support

Please contact me as soon as possible if you have disability-related needs and wish to request reasonable accommodations to ensure your full participation in this process.

If you have any questions about this investigation, or University policies, or the content of this notice, please do not hesitate to contact me.

Respectfully,
Cherie Shipper
Title IX Coordinator

cc: Kevin Ware
Abby Plates



GRAND RIVER

SOLUTIONS

NOTICE OF ALLEGATIONS AND FORMAL INVESTIGATION

March 2, 2021

Drew Smith

SENT VIA EMAIL TO: *Dsmith@gru.edu*

RE: Case No 0011 Investigation of Possible Violations of the University Sexual Misconduct Policy

Dear Drew:

On March 1, 2021, Taylor Doe filed a written Formal Complaint in accordance with the University's Title IX office alleging that you engaged in conduct constituting a violation of the University's Sexual Misconduct Policy. A copy of signed Formal Complaint is attached. This letter contains information regarding these allegations, the investigation and hearing process that will be used, your rights during these processes, and resources available to you. Although this letter is lengthy, it contains important information. You are encouraged to read this letter carefully and in its entirety.

ALLEGATIONS AND APPLICABLE POLICY

The Formal Complaint alleges that you engaged in conduct prohibited by section V3 of the Sexual Misconduct Policy entitled Rape and is defined as follows:

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Specifically, it is alleged that during the early morning hours of November 1, 2020 while at the Grand River Country Club, which is a building owned and controlled by Grand River University, Respondent engaged in conduct constituting Rape, as defined in section V(3) of the Sexual Misconduct Policy. Specifically, Complainant has reported that Respondent penetrated Complainant's vagina with his penis when Complainant was incapacitated by alcohol and therefore incapable of providing affirmative consent.

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RESOURCES

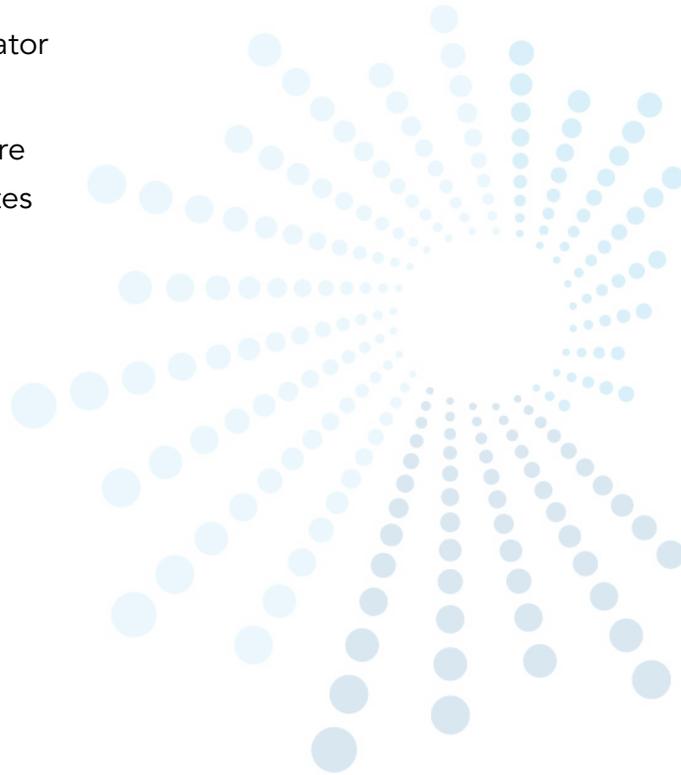
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Respectfully,
Cherie Shipper
Title IX Coordinator

cc: Kevin Ware
Abby Plates



GRAND RIVER

SOLUTIONS

Follow Up Interview Witness 3

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me again. I have just a one questions in follow up to our last conversation. It may seem a bit weird, but I am hoping you might answer it.

Joe:

Sure. Anything to help Taylor.

Investigator Ware:

What can you tell me about Taylor's use of social media?

Joe:

I've never known her to use it.

Investigator Ware:

Do you know if Taylor had a snapchat account.

Joe:

I mean everyone has snapchat.

Investigator Ware:

Did Taylor?

Joe:

Now that you ask, I don't know. If she did, we weren't friends which wouldn't make sense. So now that I think about it, no. I don't think Taylor has a snap account. We mostly just text or talk on the phone. We're old school that way.

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SOLUTIONS

Interview Witness 5

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me. I am investigator Plates and this is investigator Ware.

Christina:

Sure. Happy to help if I can.

Investigator Ware:

It would be great if you can start by sharing how you know Drew and Taylor.

Christina:

Sure. So I am a sister of national sorority. SEO is our brother fraternity and I am close with all the brothers of SEO, including Drew. I only know Taylor from Cheers and from being at the same table as her at the formal

.

Investigator Ware:

We are hoping you can share with us your observations of Drew and Taylor at the formal on October 31, 2020.

Christina:

So it was a while ago. But I remember that Taylor got really wasted really early in the night. I means she was passing out at the dinner table fifteen minutes after we sat down. As one-point she tried get up to use the ladies room and she went down. I felt bad for her, so I helped her get to the bathroom. She couldn't walk on her own; she was leaning on me for support. She's a real small girl and I'm pretty strong, so I was able to get her into a stall. I was waiting for her and a few other girls came in and I started chatting with them. While we were talking, I heard a crash and Taylor was on the ground. Another girl actually crawled under the stall door to unlock it and we picked her up and put her on this ugly pink loveseat in the bathroom. We were all taking care of her when Kelly and Drew came in and got her. That was the last I saw of her for a while.

Investigator Plates:

When did you see Taylor next?

Christina:

It was a long time later. Maybe like five hours? I was at the bar with Matt and a few others when Taylor came waddling in. I don't remember this as clearly as the beginning of the night because at this point, I was lit as fuck. But I am sure I saw her and I know it was around 2:30 a.m. because I sent Respondent a text letting him know that his date was in the bar area.

Investigator Plates:

What are you able to tell us about your observations of Taylor's physical appearance at this point?

Christina:

I honestly don't know. She was there. That's it.

Investigator Plates:

What are you able to tell us about your observations of Taylor's behavior at this point?

Christina:

Again, same answer.

Investigator Plates:

Do you recall seeing her with Drew?

Christina:

I don't remember Drew being there. In fact, I'm pretty sure he wasn't. I checked my phone and it looks like I texted Drew to let her know that Taylor was at the bar. I wouldn't have done that if he was there. Also his response makes clear that he wasn't. People were all over the place. There was a fire outside, there were two other bars in the place. So he wasn't there.

Investigator Plates:

Do you have those messages and are you willing to share.

Christina:
Sure. They are here.

Investigator Plates:
May I hold your phone to read them?

Christina:
Absolutely.

Investigator Plates:
Thank you. In this exchange you tell Drew that Taylor did a shot. Tell me more.

Christina:
Yea. I'm not sure if that happened or if I was joking. I've tried to remember, but I honestly don't know. Like I said in the text messages, I was pretty intoxicated at that point. I had drank a lot and my friends and I did a bunch of edibles.

Investigator Plates:
Thank you. Is there anything else that you can share with me.

Christina:
I really feel bad saying this. But that girl was fucked up. Drew is my friend, and I don't think he would intentionally hurt anyone and he was also drinking so maybe his judgement wasn't the best. But I mean, yea. The only think that should have happened to Taylor that night was that someone should have put her to bed and watched her to make sure she didn't die. I mean maybe she sobered up. I don't know. I just think....I don't know. I feel bad for them both.

SOLUTIONS

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Transcript Witness 7

Investigator Plates:

Thank you for agreeing to speak with me. I have now started the recording and we can get started with my questions, if you are ready.

Lauren:

Yup

Investigator Plates:

Help me understand how you know the parties, Drew and Taylor.

Lauren:

Drew and I have been dating since last fall. We broke up for a week or so around Halloween but got back together on November 1, 2020 and have been together since. I don't know Taylor other than from what people tell me about her and from ordering drinks from her at Cheers.

Investigator Ware:

What are you able to tell me about the events of October 31 into November 1, 2020?

Lauren:

I cant tell you anything. I wasn't there, unfortunately and I have to live with that.

Investigator Ware:

Help me understand live with that?

Lauren:

If I hadn't broken up with Drew for no reason, I would have gone to the formal with him. They would have never hooked up, and she wouldn't be mad enough about us getting back together to make up this awful lie.

Investigator Ware:

Tell me more.

Lauren:

Well clearly she is just mad that he had sex with her and then got back with me. In fairness, I'd be mad, too. I wouldn't like about rape though. But girls do crazy things when they are hurt.

Investigator Ware:

Have you spoken with Drew about his experience that night?

Lauren:

No. we agreed to never discuss it because I get too upset. I don't like to think of him sleeping with another girl. I know we were broken up, but still.

Investigator Ware:

Have you spoken with Taylor about it.

Lauren:

Absolutely not. We don't speak. I cant even go to Cheers anymore because she works there.

Investigator Ware:

You mentioned that Taylor is mad at Drew for getting back together with you. Do you know when and how Taylor became aware that you were back together?

Lauren:

Sure. So on that Sunday after the formal I texted Drew that I missed him. He said he missed me too and I went to his place. We talked it out and he told me that him and Taylor hooked up. I asked him to text her to tell her that we were back together and that it couldn't happen again. He refused to do that, which really upset me. But whatever. Anyway, about a week later, I told her.

Investigator Ware:

Tell me about your conversation with Taylor.

Lauren:

I just told her that we were back together and that she needed to respect that.

Investigator Ware:

How did she respond?

Lauren:

She was really jealous. She said something about Drew having a small dick and dad bod. Which, I can tell you from experience is not at all true. She just lashed out and then she lashed out again by making this report.

Investigator Ware:

How did this conversation occur?

Lauren:

I found her on either insta or snapchat. I don't remember which.

Investigator Ware:

Do you still have those messages?

Lauren:

I don't.

Investigator Plates:

Is there anything more that you think we should know?

Lauren:

Other than that Drew would never do what Taylor is accusing him of. He always asks for consent. Sometimes its too much. I mean he still asks me if he can kiss me every time he kisses me. He just isn't capable of what she is saying.

Investigator Ware:

Thank you, Lauren.

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Interview Witness 6

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me. I am investigator Plates and this is investigator Ware.

Matt:

Yea, so before we get started, I know what you want to talk to me about. I really cant help you though.

Investigator Ware:

Tell us more.

Matt:

So not my proudest moment, but I was pretty wasted that night myself. I don't remember a thing. I drank almost a full bottle of tequila myself before we even went to the cocktail party. I had just found out that I had gotten into my first choice law school. I celebrated a little too hard I guess.

Investigator Ware:

Understanding that you cant share anything about the night at issue, can you share anything with us that might help us understand the matter we are investigating?

Matt:

I'll say this. Drew is a good guy. One of the best I know. He's not a liar. He's also not the kind of dude that needs to rape a girl to have sex. I mean before he was with Lauren, he was with a different girl everynight. I just think that this chick is pissed

because he hooked up with her and then got back with Lauren. I also heard that Taylor was hooking up with one of her roommates at the time. Maybe she didn't want him to think she was like, cheating on him or whatever.

Investigator Ware:

Thank you. Have you had the opportunity to talk to Drew about these allegations?

Matt:

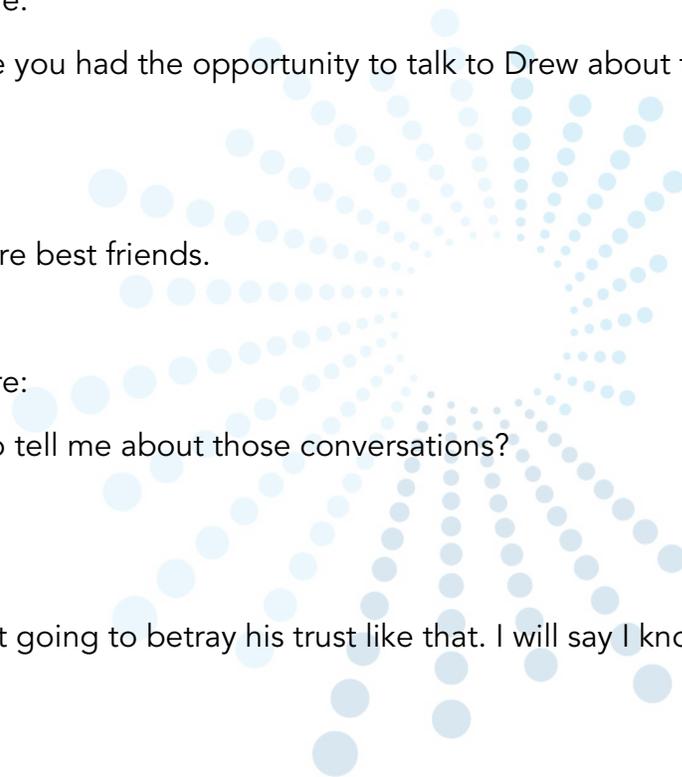
Of course. We are best friends.

Investigator Ware:

What are able to tell me about those conversations?

Matt:

So, yea. I am not going to betray his trust like that. I will say I know he didn't do this.



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Interview Witness 3

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me. I am investigator Plates and this is investigator Ware.

Joe:

Sure. Happy to help if I can.

Investigator Ware:

It would be great if you can start by sharing how you know Drew and Taylor.

Joe:

Taylor and I have been friends since our first year and have been roommates since our second year. We both work at Cheers. She tends bar and I am a bouncer. That's how we met.

I know Drew but not well. We are not friends. I do clearly recalled the weekend that She went to that formal with him. It was Halloween weekend, a big money making night at the bar. I remember being surprised that Taylor took the night off to go. I thought it was strange.

I don't know anything about what had happened at the formal, as you know I was not there.

Investigator Ware:

What can you tell us about your observations of Taylor on November 1, 2020.

Joe:

I was in the kitchen with Brett when she came home. I remember it clearly. Taylor came through the door and she looked like she'd been hit by a truck. She was a mess. Her hair was tangled and matted. Her shirt was on inside out. She was pale and her eyes were so red they were glowing. Not like hangover red, but crying red. Before I even said anything, she started to cry. Hard. I didn't know what to do, I froze. I'm not

good with crying girls. Brett, he has three sisters. He went right over to her and gave her a hug.

Tay was crying so hard, she was shaking. I asked her what happened and she told us that it was the worst night ever and that she just needed to go to bed. And she did. I didn't see her again, for a few days, which wasn't normal.

Investigator plates:

Tell us more.

Joe:

Taylor was different after that weekend.

Investator Plates:

Help us understand.

Joe:

It's hard to explain. She was less independent, I guess. She started sticking really close to me and Brett, which we were totally ok with. She's like a sister to me and I have always looked out for her. Before that weekend, she would get annoyed when we were overprotective of her. After that weekend, it was like she was grateful for it.

Investigator Plates:

What are you able to tell us about your understanding of Taykors reports against Drew?

Joe:

I know that something happened, but that I don't know the details. She wont speak about that weekend. I have asked a bunch of times in the last few several months what Drew did to her that night. She wont say a thing. Tay and I are really close. I love her. It kills me to see what this has done to her. She went from this happy, outgoing secure and independent woman to something different. Its like her fire went out. Its so strange because in one way we have gotten closer since it happened and in another more distant.

Investigator plates:
Help us understand?

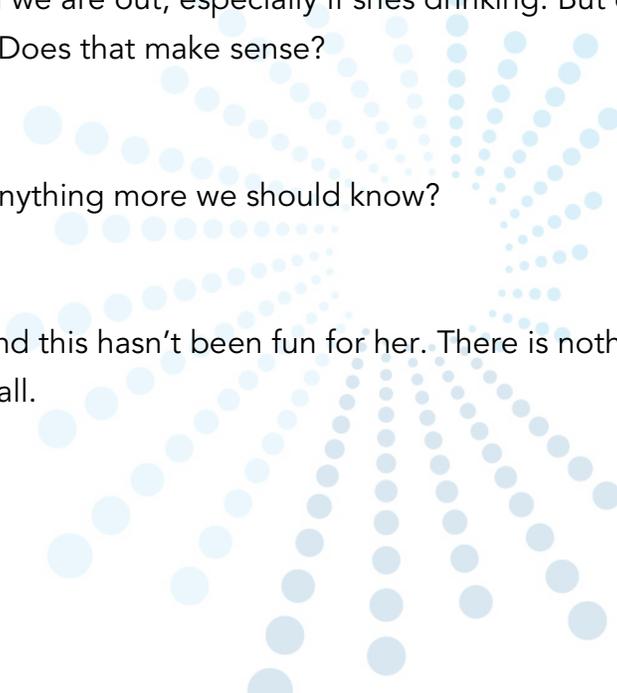
Joe:
Well she is physically with me more. She always wants to go to and from work together. She stays close when we are out, especially if shes drinking. But emotionally, she has shut down form me. Does that make sense?

Investigator Plates:
Thank you. Is there anything more we should know?

Joe:
Yes. She isn't a liar and this hasn't been fun for her. There is nothing in it for her to make this up. That's all.

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March 23, 2021

To Whom It May Concern:

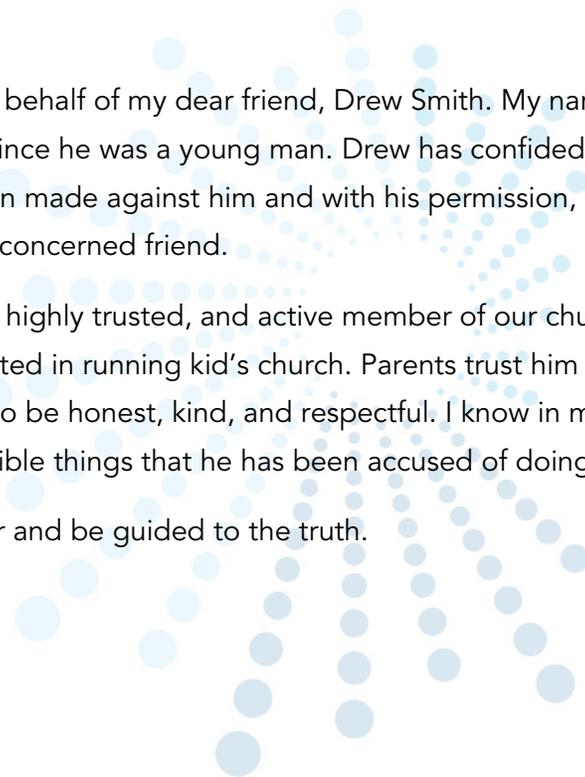
I am writing this letter on behalf of my dear friend, Drew Smith. My name is Pastor Eric Church and I have known Drew since he was a young man. Drew has confided in me about the allegations that have been made against him and with his permission, I am writing to you as a servant of the lord and a concerned friend.

Drew is a well respected, highly trusted, and active member of our church. He is one of the few young men that participated in running kid's church. Parents trust him with their small children. I have only known Drew to be honest, kind, and respectful. I know in my heart his is not capable of doing the terrible things that he has been accused of doing.

Please consider this letter and be guided to the truth.

All my best,

Pastor Church



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Follow Up Interview of Respondent

Investigator Ware:

Good afternoon. Thank you for agreeing to meet speak with me again. I have some questions in follow up to our last conversation. Before we get started, do you have any questions for me or is there anything that I can do to make you feel more comfortable today?

Drew:

Um, no, I don't have any questions. You answered them all when we spoke by phone when scheduling this meeting.

Investigator Ware:

Is it ok to get started?

Drew:

Yes.

Investigator Ware:

Id like to start with discussing a text message exchange that between you and Taylor that you mentioned when we first spoke. Sppecifically, you indicate that Taylor sent you several text messages during the early morning hours of November 1, 2020 asking you to come back to the hotel room. Do you recall sharing that with me?

Drew:

I do, yes.

Investigator Plates:

Now you submitted screen shots of text messages between you and Taylor, but it doesn't appear that that exchange is included in what you previously submitted to me. Help me understand.

Drew:

So yea. I made a mistake. Those were not texts that Taylor sent that night. They were messages on snapchat so I don't have them anymore. They like disappear.

Investigator Ware:

Thank you. You were provided a copy of Taylors written response to the evidence. In her response she asserts that she did not send you those messages. Would you like to offer a response?

Drew:

I honestly don't know why she would deny it, or why she is lying. I hate to say it, but clearly she is a liar. She is lying about me doing this and she is lying about the text messages. If this whole thing didn't have the a chance of ruining my life I would feel bad for her, because clearly there is something wrong with her. I don't mean that in a degrading way, I just cant think of any other explanation for why she would make this whole thing up. In fact, I don't even know what the point is of talking about this anymore.

Investigator Ware:

I do have additional follow up questions for you. Would you like to continue?

Drew:

Actually, no. I've said everything I am going to say.



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April 11, 2021 at 06:47:05 Eastern Daylight Time

Subject: Response to Evidence

Date: Friday, September 10, 2021 at 6:45:44 AM Eastern Daylight Time

From: Taylor Doe

To: Kevin Ware; Abby Plates

Dear Investigator Plates and Ware,

I have reviewed the evidence in the draft investigative record and these are my responses:

1. My relationship with Witness 3 is no body's business and has nothing to do with this. Drew is trying to distract everyone from the real issue by slut shaming me.
2. About the sleeping arrangements. I completely forgot about that text exchange, but clearly it happened. I also don't remember ever saying that I "was looking forward to a good snuggle." That isn't something I would say. But even if I did, asking to snuggle does not equal consent to have sex when I am passed out and throwing up.
3. Drew is claiming that I texted him to come back to the room. That is absolutely not true. I was in no condition to text anyone. If I was, why wouldn't I have texted Kelly back when she was freaking out and looking for me?
4. I was not completely fine or sobered up when we was having sex with me. I don't remember most of it, but I do remember that I was so drunk that I threw up in the middle of it and that he was moving my body around the way he wanted it because I didn't have control over it myself.
5. I am not making this up because I am mad that he got back together with Lauren. I never wanted to be with him in the first place and if I had wanted to, I could have been. I did find out that they got back together because she texted me a few days after the formal to tell me that they were back together and that I should respect their relationship. I found the messages and will send them. They make clear that I didn't care that they were back together.

Thank you,
taylor

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Interview of Respondent

Investigator Ware:

Good afternoon. My name is... Good afternoon, my name is investigator Kevin Ware. I am, uh, here to, um, give you an opportunity to share your perspective with regard to the allegations in the formal complaint that were previously shared with you during your meeting with the Title IX Coordinator several weeks ago.

Drew:

I see that you have an advisor present with you. Uh, are you ready to proceed today? And before doing so, could you please just state your name for the record?

Drew:

I guess my name is Drew and, um, I, um, I am ready to proceed. I have my advisor and I'm ready to, to share.

Investigator Ware:

Wonderful. Well, um, I'm gonna go ahead and ask you one, a few moments to share whatever it is that you'd like to share with me, but before we get started, do you have any questions for me or is there anything that I can do to make you feel more comfortable today?

Speaker 1:

Um, no, I don't have any questions. The Title IX Coordinator answered most of them and, and I don't, and I, I'm pretty comfortable here today.

Investigator Ware:

Well, that's good to hear. If there's anything I can do during our time together today to make you feel more comfortable, or if you have any questions, please just let me know. In a few moments, I'm gonna just start by saying something along the lines of, uh, help me understand your perspective. And from that point on, we can get, you can go ahead and share. Uh, while you're sharing, I'm gonna to be quiet and I'm gonna be actively listening to you because what you have to say to me is important.

Investigator Ware:

I'm not gonna interrupt you or step in with my own questions until you'll let me know you're done sharing. Does that sound okay?

Speaker 1:

Yes, that actually sounds fine.

Investigator Ware:

Okay. Well then why don't you go ahead and share what you'd like to share?

Speaker 1:

Um, okay. So, um, like I said, my name is Drew and, um, I, um, and a second semester junior. I am, um, in a fraternity, I think you're familiar with my fraternity. And currently, um, I live off campus in the frat house, um, where I live with 15 of my fraternity brothers. Um, I have known of Taylor since the start of my sophomore year. Um, I used to go like my, my friends and I are my brothers, and I would spend a lot of time at Cheers and Taylor's a bartender there. But I didn't officially meet Taylor for the first time until the... Hmm, let me think.

Speaker 1:

I officially met Taylor for the first time towards the end of the fall 2019 semester after having been introduced by my fraternity brother, Paul. Um, after Taylor and I were officially introduced, we hung out a few times. I don't think we ever really hung out alone. I can't really remember what we did or who was around, but I remember seeing her out more and making an effort to talk to her more. Um, and the more I like chilled with her and hung out with her and like spoke with her, the more I liked her. I was interested in her, you know, I wanted a date or maybe, she's a pretty girl and she was fun to hang out with. I thought she was interested in me too. She definitely flirted with me.

Speaker 1:

Um, but that was the, uh, spring of 2020, and I didn't ask her out that semester or make a move, um, because we only started to get to know each other towards the end of that semester, and the school was almost over for the year and I was going home for break. There was no point in starting something right before I was gonna leave, so I didn't make a move. When we got back for the fall of 2020, um, I was eager to see, um, Taylor again. So I think it is the first weekend when I was back to school, I'm pretty sure I absolutely went to the bar that first Friday night to invite her to our party the next night. I wanted to see her, I was hoping we could pick up where we left off.

Speaker 1:

Um, and so, uh, she definitely showed up. So yeah, so I went to the bar that Friday night, asked her to come to our party, it's like one of our biggest parties that our fraternity throws. Um, it's the first Saturday of like when school's back. And so I, like I said, I went to the bar, asked her if she'd come the next night. She said, yes. And, um, so I was super excited Saturday 'cause I was like, this is my chance. You know, I thought she was into me. I was definitely into her. Um, she looked just as good, you know, before or after summer break, maybe even better, 'cause she was kind of tan if you know what I mean.

Speaker 1:

Um, and, and yeah, I was looking forward to seeing her. So that Saturday night, um, you know, we were hosting the parties, I was pretty busy in the beginning of the night, but I definitely had my eye out for her throughout the night as people were coming in and out, the party was pretty crowded. I would say there was a couple of hundred people there. Um, but I was looking out for Taylor and then, um, I saw her and, um, I was like making it my way across the room, and then all of a sudden she was with, I noticed she was with one of our roommates who I recognize from Cheers too, this dude, Joe. And, um, as I was making my way to the room, to go, you know, say hi to Taylor, Joe came up behind her and they kind of like started to walk off.

Speaker 1:

So I followed them, and then they wound being like in a dark corner and they were hooking up, which was pretty scandalous, 'cause as far as I know, Joe has girlfriend and Taylor and Joe are roommates. And so the fact that they were like in a dark corner making out, just kind of, didn't kind of rub me the wrong way. And so from that point on, I just kind of didn't wanna, wasn't interested anymore. Uh, she was obviously doing her own thing and uh, I don't like girls who hook up with other girls boyfriends. And so I was kind of like, all right, not interested anymore.

Speaker 1:

Um, so yeah, so that kinda like ended my interest in her, but not necessarily our friendship, but like I no longer like, was interested in dating her. Um, and I actually started seeing someone else, myself and other students, um, this girl, uh, Lauren and, um, so Lauren and I started dating and, um, we dated throughout the term for most of the semester or at least for most of the first month of the semester. Um, right up until like the week before my formal, which is like where it gets important again. So, um, yeah, so Lauren and I were dating, um, I didn't really kinda mess with Taylor during that time. If I saw it at the bar, I'd say hi, whatever, or sometimes

she'd be out like at parties and we would chill, but it was nothing like whatever, act like we were friendly.

Speaker 1:

Um, and then a week before the formal, which was gonna be on October 31st, um, Lauren and I ended it and, um, well actually she broke up with me, and so, yeah, I didn't have a date. Um, I remember I went into Cheers and, to meet up with Kelly and Paul, and Taylor was working. And I think Kelly recommended that maybe I take Taylor to the formal and she seemed okay with it. She seemed actually excited and like into wanting to go, 'cause she'd been around more, like around my scene a bit more, which was a new thing. And um, so, uh, yeah, I was like, that's a great idea. And we made plans for me, for her to be my date to the formal.

Speaker 1:

Um, so the formal was on a Saturday, it was October 31st, it's Halloween, but none of us were dressing up, like we're not into like Halloween parties in my fraternity. Um, and, uh, so, uh, we, part of the reason we have the formal on Halloween, so we could like get out of that thing 'cause it's pretty juvenile. Um, and whatever. So I remember Paul and I picked Kelly and Taylor up at their apartment sometime in the afternoon, I don't remember when it was. We got to the place where the formal was and we checked into our rooms 'cause we were all staying over and Kelly and Paul, Taylor and I were sharing a room. Um, and when we walked into the room, Taylor just like put her stuff down on the bed and that was pretty surprising to me.

Speaker 1:

Um, and yeah, so, um, she put her stuff down on the bed and she looked at me and was like, I'm looking forward to a good snuggle, which I thought was interesting. Anyway, we've spent just like about 15 minutes in the room, and then, um, Paul and I left to go to the hotel bar while the girls got ready. Um, about an hour before cocktail hour, which I think started at 7:00, Taylor came down and joined us at the bar. I think Kelly was with her, I'm pretty sure she was though, but I don't really remember. This is a long time ago. Um, Taylor was fine when she came down, she was fine during the cocktail hour. And then like 20 minutes after we sat down for dinner, she started to act wasted. It was crazy, and it came out of nowhere.

Speaker 1:

I mean, it was only 8:30 and she was ready to be put to bed. I just figured that she hadn't eaten or something, I gave her some bread and she ate it. I got her water too. Um, and after I fed her, this other girl who was at our table, um, took Taylor to the bathroom because she was in

no condition to make it there on her own. Um, yeah, I think it was, I think it was Christina who took her to the bathroom. Yeah, it was Christina. (silence)

Speaker 1:

So about 20 minutes after Christina took Taylor to the bathroom, Kelly came over to me and um, asked if I could help get Taylor back to the h- hotel room. I followed Taylor to the girl's room, I actually went in, I'm sorry, I followed Kelly to the girl's room, actually went in and Taylor was asleep in a chair. She had puke on her dress, I remember that. I picked her up over my shoulder and carried her out of her room, she was awake, but out of it, Kelly was with me the whole time. We put her in bed, the second I put her down, she started to vomit and I panicked. I turned her on her side and she kept puking up the side of the bed. I held her hair back the best I could, when she was done, Kelly cleaned her with a wet towel.

Speaker 1:

I got her water and she drank some. Then we turned her on her side, put a garbage film next to her, and I left. Kelly stayed with her, I don't know for how long, it was probably between 9:00 and 9:30 when this happened. I went back to the party and then, um, we were downstairs in, like, the reception area and that, and around 1:00 AM, me and a bunch of people went outside for a bonfire. Um, I came back inside around 3:00, her and me had hung out at the bar for a little bit longer, and then a little bit after I came inside and was at the bar, um, Christina told me that Taylor had come down to the bar area around 2:30 AM and had stayed for about an hour.

Speaker 1:

Um, Christina said that Taylor seemed better when she was down there. Um, so at around 3:30, so I guess I got inside around 3:00, but then around 3:30, um, I got a bunch of text messages from Taylor, asked me to come back to the room. Um, so I went back and when I got up there, Taylor was fine and was awake. Um, she seemed fine. And so I got out of my suit and got in bed because I wasn't gonna sleep on the little couch, I'm a big guy. I'm 6'2", like 225 pounds. Um, so I wasn't gonna sleep on the little couch, which would have been fine for Taylor. Um, so I got in bed and we started to talk.

Speaker 1:

Um, I asked her if she felt better and she told me, yes. She apologized, and I told her not to worry about it. At that point, I was pretty drunk myself and I just wanted to go to sleep. At some point, she put her arm around me and settled into me, I rolled onto my side, and we were face-to-face, she didn't back away. So I kissed her, she kissed me back. I got on top of her

and she continued to kiss me back. I asked her again, if she was okay and she moaned. We started to undress each other, before I knew it, we were having sex. She was totally awake and totally into it.

Speaker 1:

Um, so I guess we had sex for like, I don't know, I don't know, it was awhile. And like I said, she was into it. And then when, when I finished, I basically just laid down and she laid down and we both, I know I fell right asleep. 'Cause like I said, I had been pretty drunk. And so, that, the activity mix of the alcohol, afterward, I fell right, I fell right out. Um, so the next morning when we woke up, um, I woke up and she wasn't in the bed. Um, I think she was in the bathroom or something. And I don't remember if I went and knocked on the door. She came out, but I just remember she was acting weird the next morning. I just thought it was because she was embarrassed about how she had acted the night before.

Speaker 1:

Um, and so I didn't really push her 'cause I felt bad, 'cause I'd have been embarrassed if I was her too. I mean, she was the drunkest person at the party. Like it was, she was a mess and everybody was talking about it. So I kinda just felt bad for her and just kinda didn't push her and kinda just let her be quiet and whatever. So we left pretty soon after we woke up 'cause she wanted to go home. Um, I didn't see her like at all. Well, that's not true. I didn't see her often after that day and night, um, I stopped kinda going into Cheers. She never, never saw her at any of our parties. Um, she was clearly avoiding me and honestly I was okay with that.

Speaker 1:

I started dating someone else shortly after that and so I didn't seek her out either. Um, so yeah, that's kinda what happened. Do you have any questions? You can go ahead and ask.

Investigator Ware:

Well, thank you. I do have some follow-up questions for you and I'm gonna try to go in the order that's uh, you shared in. I'll try not to jump around on you. I'll do my best. Okay. Thank you. Let me just have a second here. You mentioned that during the spring of 2020, you thought that the complaint or that Taylor was into you, uh, and you mentioned that she was flirtatious with you. Help me understand what you mean by flirtatious.

Speaker 1:

Yeah, well sure. Whenever I saw Taylor, she seemed to get real excited, like was happy to see me. So like, if I went into the bar, um, she would get really like, "Hey, what's up." And just be super, seemed super like happy that I was there. Uh, she'd always serve me right away even if there was people there before me, which kinda people off, but whatever. Um, didn't charge me a lot, so give me drinks in the house. Um, when we would see each other at parties, whether it goes, were parties thrown by my fraternity or other parties, um, she would hug me and we'd like do this thing where her hand would like linger on my shoulder for like longer than normal.

Speaker 1:

Um, there was more, but this was a really long time ago. Um, so I can't think of any more specific examples. I just know, like you just know when somebody is in to you, she was just interested in me. I could tell by the way she acted, it was clear to me and to my boys. I know she's saying now that she wasn't, but I'm sure that she was.

Investigator Ware:

Thank you. Did anyone ever... Well, let me ask you this. Did Taylor ever explicitly tell you or anyone else that she was interested in you during the spring of 2020?

Speaker 1:

Not that I can remember.

Investigator Ware:

You mentioned that you were surprised that she put her stuff on the bed. Tell me a little bit about the hotel room, its layout. And then also tell me what was surprising to you.

Speaker 1:

Sure. So the room had two beds and a small couch, Kelly and Paul put their stuff on a bed. I put my stuff on the other bed. Taylor could have claimed the couch, but she didn't. Um, and now that I think of it, when she put her stuff on the bed that I had put my stuff on, I asked her if she was cool sharing a bed. And that's when she said that she was looking forward to a good snuggle. (silence) In fact, now that I think of it, (silence) now that I think of it, I had told her ahead of time that we might have to sleep in the same bed via text messages. Like when we were making arrangements, I told her, um, that we would be in the same room and that there might be a couch, but there might not be. And if there wasn't, we'd have, we might have to sleep in the same bed together.

Speaker 1:

There's a text exchange. I don't remember exactly what it is, but I'll look for it. And if I have it, um, I'll definitely give it to you all. But I, I definitely remember her knowing that we might have to sleep in a bed together and, um, her being cool with it. But us also talking about if there was a couch, she'd sleep on the couch, and that's why I was surprised when the room did have a couch, that she didn't take the couch. She literally just was like, I'm sleeping in bed with you 'cause I want to snuggle.

Investigator Ware:

Well, thank you. It would be helpful if you could look for those text messages and any other text messages that would give me a better understanding of your perspective. Um, and if you could submit those to me, that would be great. And if you can find them, let me know that you can't find them.

Speaker 1:

Okay. I'll, I'll definitely do that. (silence)

Investigator Ware:

You mentioned that after you guys got into the room for dinner, Taylor started to act a wasted. You mentioned it came out of nowhere. Help me understand, act wasted.

Speaker 1:

Well, I mean, she was slurring her words, at some point she put her face in her hands and was starting to fall asleep at the table. Um, when Christina took her to the bathroom, like Christina had to help her to get there because she was in no condition to make it there on her own. Um, yeah, I mean, she was just wasted.

Investigator Ware:

Do you remember what Taylor was drinking or how much she had to drink between the time she joined you at the bar and when she started to behave, to use your words, wasted?

Speaker 1:

I don't think she was drinking a lot, which was why I was surprised when she turned into such a mess.

Investigator Ware:

You mentioned that there was some text messages from Taylor to you at about 3:30 AM. Uh, do you still have those?

Speaker 1:

I, I'm not sure. I have to go back. I'll, I'll go back when I'm looking for the messages about the sleeping arrangements, I'll see if I have these messages as well.

Investigator Ware:

Thank you. That would be great. Now I wanna to turn our attention to the physical sexual contact between you and the complainant. Um, you mentioned, uh, or you described how the context started. Let me ask you, help me understand why you believe that Taylor had the capacity to consent to sex, given your description of her earlier in the night.

Speaker 1:

Sure. That's a fair question. Well, yeah, so Taylor had completely sobered up. I mean, it was at least five, maybe six hours after we put her to bed and she had puked. So that plus the fact that she was talking to me, like we're talking to each other right now, when I got in bed with her, like 3:30 in the morning, told me that she was sober. Also, she initiated it and was into it the whole time.

Investigator Ware:

When you say initiated it, help me understand what you mean.

Speaker 1:

I mean, she's the one who put her arm around me, turned her body towards me, um, didn't pull away when I leaned into kiss her, um, she initiated the physical contact and she was engaged the entire time.

Investigator Ware:

Thank you. Um, help me understand the position of your body in relationship to Taylor's body during intercourse.

Speaker 1:

Sure. Well, it started, like I said earlier with me on top and eventually we switched positions so that Taylor was on her knees. Um, and um, I was kneeling behind her.

Speaker 1:

When you say Taylor was on her knees and you were feeling behind her, what contact was being made between your bodies at that point?

Speaker 1:

Well, I mean, like at that point I was having sex with her. Like my, my dick was like inside of her.

Speaker 1:

And by your dick, help me understand what you mean?

Speaker 1:

My penis.

Investigator Ware:

And when you say inside of her, can you help me understand what part of her body you're referring to.

Speaker 1:

Her, her vagina.

Investigator Ware:

Thank you. Now, at any point while your penis was inside of Taylor's vagina, did Taylor vomit?

Speaker 1:

Absolutely not.

Investigator Ware:

I wanna draw your attention now to a couple of weeks ago. Do you recall like countering Taylor at Rusty's?

Speaker 1:

So, yeah. Um, I did. I hadn't seen her in a while and she was there and she was by herself. So I went over to her and I ask, I did ask her why she'd been avoiding me. I never expected her to respond the way she did. I didn't understand it at all. And then I got the letter from you referring to, uh, then I got the letter from you. I was shocked. I am shocked. So I didn't rape her. I thought she had sobered up. I mean, she had, she was fine. This is just so unfair. It really is.

Investigator Ware:

Help me understand the way she reacted.

Speaker 1:

I don't know. She just got crazy. Like I don't ever remember what she said. I went over to her and I was like, "Why have you been avoiding me?" And she was like, "Fuck you." And just basically like spun around on her heels and turned away.

Investigator Ware:

Did she say anything else to you?

Speaker 1:

No, she literally just said, fuck you, spun on heels and walked out. I don't know if she left the bar or not, but she definitely walked away from me. It was pretty crowded that night.

Investigator Ware:

How did she seem emotionally?

Speaker 1:

She just seemed angry. Um, she definitely seemed angry and that was pretty much it. I didn't really get it. I thought maybe she was mad 'cause I kinda started dating Lauren again, like immediately after, um, we got back. So I mentioned that I kinda was okay with her avoiding me, but, um, it was because when I got back from the formal, I reconnected with Lauren and I, you know, I, I had really loved her, when s- she broke up with me, I was devastated. And um, literally the Sunday after the formal, she texted me and said she missed me and we immediately got back together.

Speaker 1:

And I'm pretty sure that Kelly and Paul told Taylor that. And so I just expected that Taylor was pissed 'cause like we'd hooked up, and then I immediately got back with my girlfriend. Um, but whatever. Um, so yeah, that's what I thought she was mad about. And that's why I was shocked when I got the letter from, I guess it wasn't you, it was the Title IX Coordinator. Um, because I didn't rape her.

Investigator Ware:

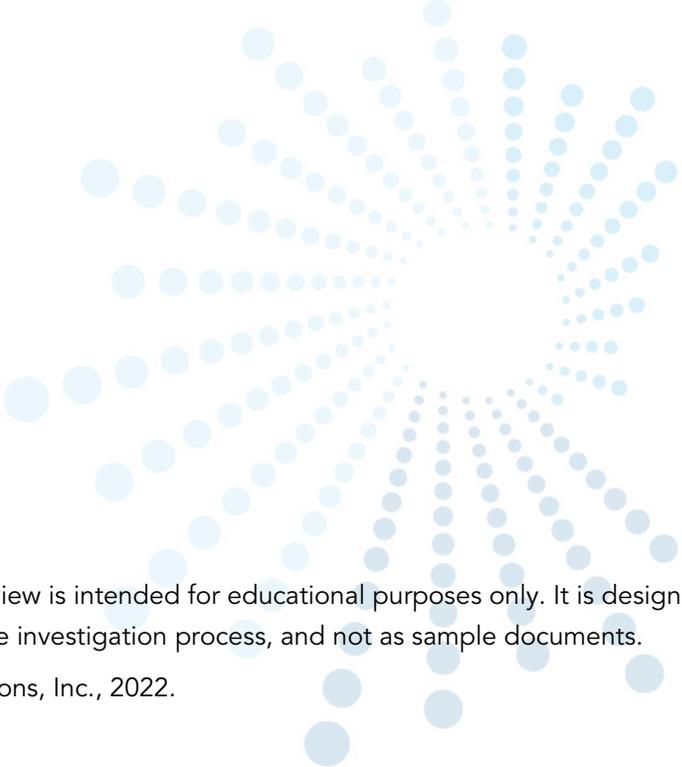
Is there anything else that you would like to share with me about your perspective?

Speaker 1:

I'm sorry she feels the way she feels, but I'm not a mind reader. She told me she was better and she kissed me back, she was undressing me. I thought she was fine. I, I really did. That's pretty much all I have to say.

Speaker 1:

Thank you.



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Screen Shots of Text Messages between Complainant and Respondent 1
Screen Shots of Messages were submitted by Respondent to Investigator Plates, via email. Date and time stamps were not provided.



:) I have to go to work now blankie. Looking forward to this weekend.

I thought you were working

Im at the bar

Where you at? Need shoootttsss

Chill blankie. Im on a break. Ill be back in 10.

Yo those drinks were fire last night. You got me fucked up.

Just doing my job :) You can repay me this weekend at the formal by getting my drinks for me all night.



iFakeTextMessage.com



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I like a strong cranberry vodka

lol. what are you my grandmother?

Im old school. and the cranberry is just a splash

so basically you drink straight vodka

exactly.

Sat is gonna be wild

Paul and I are on the way. Ready for tonight?

Cant wait!



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Screen Shots of Text Messages between Complainant and Witness 7

Messages obtained from Witness 1's cellular device by Investigator Ware

Date and Time Stamps indicate that the first six exchanges occurred on November 12, 2020 between 9:22pm and 9:14pm.



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Follow Up Interview Witness 1

Investigator Plates:

Good afternoon. Thank you for taking my call. I have just a few questions.

Taylor:

Sure. I have a few minutes now. If we need more time, I can speak again tomorrow.

Investigator Plates:

Great thank you. This shouldn't take very long. In our follow up interview with Drew, we asked him about his assertion that you had texted him during the early morning hours of November 1, 2020 and asked him to come back to the room. Drew shared that this exchange wasn't actually by text, but instead was through snap chat. We wanted to give you an opportunity to respond.

Taylor:

Yea. No. I don't use social media. I don't even have a snap chat and wouldn't know how to use it. Ask anyone who knows me. That is a blatant lie.

Investigator Ware:

Thank you. There is some evidence that indicates that when you returned to the party during the early morning hours, you were socializing and drinking. What are you able to tell us about that?

Taylor:

Nothing. I don't have any recollection of that, other than what I already shared. And actually I am out of time. Was there anything more?

Investigator Ware:

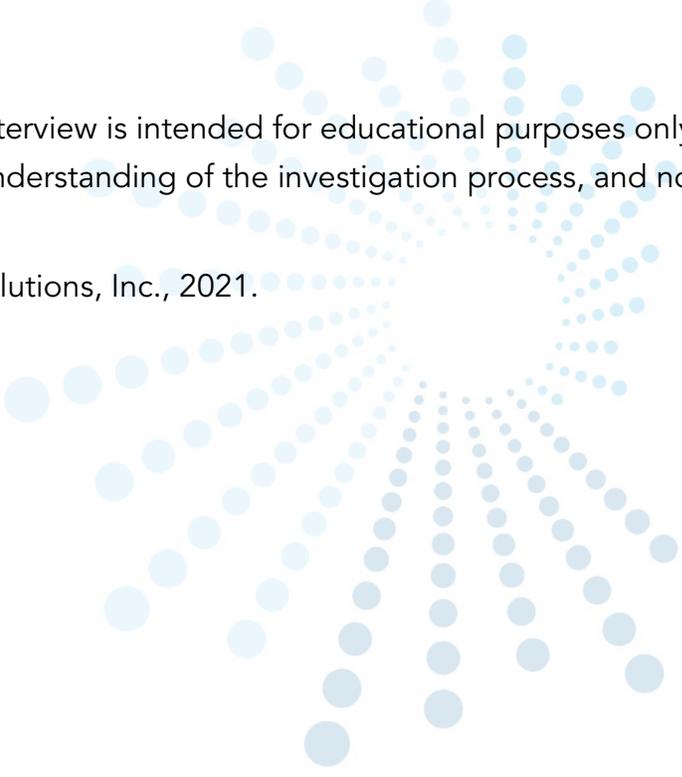
Not right now, but if there is, do I have your permission to reach back out.

Taylor:

Sure. Thank you and have a good one.

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Initial Interview of Complainant

Investigator Plates:

Good morning.

Taylor:

Good morning.

Investigator Plates:

All right, great. Thank you so much for meeting with me today, Taylor. In a few moments, I am going to ask you share with me whatever it is that you are able to share about your experience. While you are sharing I am going to just listen. I won't interrupt you, or jump in if there are moments of silence. I am going to just listen until you tell me you are done sharing. Is that ok?

Taylor:

Yes.

Investigator Plates:

Are you ready to begin?

Taylor:

Yes

Investigator Plates:

Taylor, what are you able to share with me about your experience?

Taylor:

Sure. So, you, do you, like, wanna know a little bit about me, too? Like how ...

Investigator Plates:

Wherever you're comfortable starting, if you wanna share a little bit about yourself, that's totally fine.

Taylor:

Okay. So, um, so I'm, uh, a second semester junior. And I live, um, off campus with, I have eight roommates. Um, they're all students. And, um, most of them are, um, guys. I have one roommate who's a girl, and then, um, the rest are guys. We all live together because most of us work at Cheers, which is, like, a bar that a lot of students go to. Do you, do you know Cheers?

Investigator Plates:

I'm familiar with it, yep.

Taylor:

Um, so I've worked there since, like, my freshman year, um, or my first year. And, um, met my roommates there. And you know, we get off work really late, right? And so, like, a lot of times, when the bar closes we'll, like, hang out for a little bit, and whatever. And we all decided to live together so that, like, we could get home safely at the end of the night. So, like, we all take turns, one of us is the driver, um, or two of us, depending on, like, what car we take. And then, um, also, like, it's just safer to go home late at night as, um, a woman in this town, like if I have other people with me. So we all just live together because it just makes it more convenient.

Taylor:

Um, and so, yeah, so I'm telling you this because this is kind of how I met, um, Drew, who was, like, the guy.

Taylor:

So, um, so yeah, so Drew is, um, in, uh, in a fraternity. Um, and, um, so is my roommate, Kelly's, um, boyfriend Paul. So Paul's in the fraternity, and, um, Paul dates Kelly, and Kelly's my roommate, and Kelly and I have been friends since, like, high school. And, um, obviously, Kelly hangs out at the bar a lot. She's like, on- our only roommate that doesn't work there. She just, um, well she should work there 'cause she's kind of there all the time. But anyway, she, she doesn't work there, but she comes

in with Paul all the time. And I wanna say, like, during the spring of 2020-ish, um, yeah, it was the spring of 2020, um, Kelly told me that Paul's fraternity brother Drew, like, noticed me. And, um, like, when I was working at the bar.

Taylor:

And Drew asked Kelly to introduce us. And so a few days later, Kelly and Paul and Drew came into Cheers when I was working and, um, I, like, immediately recognized Drew, 'cause he definitely came into the bar all the time, like, with his fraternity brothers. And he was always, like, friendly, and maybe, like, awkwardly flirty with me. But a lot of people flirt with me because they, I think, want free drinks. But he seemed like he wasn't just into the drinks, like he would actually, like, you know, like spend time, even after I gave him a drink, like he'd spend time and hang out. So, like, I, I knew who he was, but I didn't, hadn't really, um, formally known him.

Taylor:

And then on this, the day in the spring of 2020, um, Paul and Kelly, like, officially introduced us. And I didn't really get to talk to him that much because I was working and it was really busy. Um, I remember. But the next day, Kelly and Paul were like, "Wat did you think of Drew?" And I told them that I thought he was okay but not really my type. And Kelly begged me to give him a chance, Kelly just kept saying that it would be so much fun if we were both dating guys from the same fraternity. So I guess I was like, "Okay, I'll get to know Drew better before, like, totally rejecting him." Um, so for the rest of the semester, which was, like, I think only a couple weeks, I remember, for some reason I remember the night I officially met Drew, I was wearing, um, like, shorts. Which I wouldn't normally do if it wasn't starting to get warm out.

Taylor:

Like even though the bar gets hot, I would wear pants. Because, like, leaving at night, it would be cold. So it must've been, like, a warm day. So, anyway, um, so, like, I think over the next couple of weeks, we hung out a couple times, but always, like, with other people like in large so- social settings. And maybe we hung out, I don't know, four or five times. Um, he was nice, wasn't, like, rude or anything. He was attentive. Um, and not at all disrespectful towards me. It was clear that he was into me. But he didn't, like, try to push it. I liked hanging ut with him, he was a good time, but nothing sexual ever

happened between us. Honestly, I just wasn't attracted to him, so he became a friend, like somebody to party with but nothing more.

Taylor:

Um, I knew that he had a crush on me, so I was careful to make clear that I didn't feel the same way. Um ...

Taylor:

Um ... So, like, then the end of the term came, and I stayed, like, by campus to work. And I took a summer course, um, but I didn't, like, Paul, if he was around, I didn't see him. And I don't know if he went home or if he stayed, I don't know. But I definitely didn't see him, like, around, the entire summer. Um, I remember seeing him, like, soon after the fall semester came, like last semester. So that was fall of 2020. Um, and it was the first Friday night of the fall 2020 semester. Really, I remember that because it was a super busy night and everybody was back and, um, I remember he came in and I was happy to see him. Because like I said, because he was cool. Um, and so we spent a few minutes catching up, but not a lot of time, 'cause I was working.

Taylor:

And then, uh, over the next couple of weeks, like, I spent time with Drew and his friends, and Kelly and Paul, like pretty much every weekend. But again it was, like, at parties. Like it wasn't just the four of us, like there was lots of us. But he would be there and I would be there, and I started to hang out with that group a little bit more than I had before, um, because he was there, I didn't kind of feel like the third wheel anymore with Kelly and Paul. And, like, I liked hanging out with Kelly because she was my best friend. Um, and it helped to, like, have someone that I knew a little bit better, and so I hung out with them more.

Taylor:

Um, but, like, he didn't, I didn't feel like he still had a crush on me, which is why I felt comfortable actually spending more time with him. Like, I was under the impression that he had moved on, that he wasn't into me anymore. Like he wasn't as flirtatious. He stopped making comments that suggested that he had a crush on me. He even came into the bar a few times with another girl. And I was happy because I wanted us to be

friends. And, um, I felt like that was easier once I didn't, like, think that he was interested in me in that way. Um, so yeah. Um, so I guess the next thing that happened that's, like, important to what happened to, like, here, is, um, a couple of days before, um, Halloween, and I know the exact date because I checked my work schedule.

Taylor:

So it was October 25th, um, I was at Cheers, and I was working an afternoon shift, which was weird. I don't usually do that, and that's how I remember, like I remember this was an afternoon conversation. And I remember, um, like, I just remembered that. So I looked back and the 25th was the only day I worked afternoon, like, anytime near Halloween, so it had to be that day. But I was working and Kelly and Paul were there. Um, and, um, they were having, like, lunch. And, um, and Drew came in, and he, like, was upset because the girl that he invited to go to his fraternity's formal had just canceled on him. Do you know what a formal is?

Investigator Plates:

If you could share with me a little bit about formals at your school, that would be great.

Taylor:

Yeah, so, like, um, the fraternities have, like, proms, basically. Like it's so dumb, but basically they all get dressed up, they, like, spend a bunch of money to go to essentially a place, like a reception, like where somebody would get married or something, and they have like, a party. Which I always thought was stupid, because why spend all that money to just come to Cheers or one of the 500 other bars? But anyway, they were having their formal, and he was supposed to go with some girl and she, like, like canceled on him last minute, and he was upset. Um, and he was talking to us about it, and while he was telling us, like, how she had just kind of blew him off, Kelly was like, "Oh my God, Paul, you should take Emily. I mean Taylor (laughs) to the formal." And, um, Drew got really excited and was like, "Yes, you should come with me."

Taylor:

And, um, yeah, so I asked a little bit about, like, the deal. And they told me that it was gonna be at a, at a resort about an hour away from campus, and that everybody was

gonna spend the night there. Um, I didn't really wanna go, 'cause it would mean I'd have to take off of work on Halloween, which is, like, a big money making night. Um, but I was, like, had been picking up a lot of extra shifts anyway, and I realized I didn't really need the money. Um, and so I was like, "Okay, I'll go. But then I just want to understand, like, if we're staying overnight, like, how does that work?" Because I didn't wanna be alone in a room with, with Drew. Even though, like, I di- thought he wasn't into me anymore, like I just thought that would be uncomfortable. And so, um, Drew was like, "No, no, no, we're sharing a room with Kelly and Paul."

Taylor:

And so, um, I didn't think anything would get weird if we were all sharing a room, so I agreed. It sounded like fun. Um, like I said, he hadn't been trying to get with me for a few weeks. I thought it would be a good time with friends. Um, so yeah. And so, I agreed to go. Um ...

Taylor:

Um, so, I think it happen- like the next Saturday night was the formal. Um, it was at Greenfield. Which is like, I think, like I said, like an hour south maybe. I don't know. I'm pretty sure it's so- yeah, it was south of campus. Because we got on the highway going south. Um, so, it was supposed to start at seven, and there was going to be, like, a cocktail hour, a sit-down dinner, which I think is so dumb, and then dancing. Which, whatever. Um, and there was open bar. And it was, like, I think from 7:00 to 11:00 and then there was a cash bar after that. So people were told to bring cash, because this resort didn't take credit cards, which is also weird. Or, like, Venmo or anything. Um, so anyway, um, so yeah.

Taylor:

So this is, like, the day that everything happened. Do you have more questions for me about the day?

Investigator Plates:

Um, if you wanna go ahead and share more about the day, we can come back to those other questions, if that works for you.

Taylor:

Okay. So do you want me to talk about, like, the whole day? Or just the night?

Investigator Plates:

If you wanna talk about, um, the day as well, that would be helpful.

Taylor:

Okay. Um, so, like, I worked until 4:00am the night before. And so, I woke up late. Like probably around, like, noon. And I went to the gym, and I always, on, um, Saturdays do, like, a 75 minute spin class. I'm pretty sure I did my spin class that day. Um, and then I always, after that, go to Wegman's and eat, and eat, usually a six inch turkey sub, which I'm pretty sure I did that day. Um, actually I'm positive I did that that day, now that I think about it. Um, 'cause I remember the next day being like, "All I ate was that sub." Um, so after I, like, ate, and went to the gym, I came home, and I remember I had to, like, pack quickly. Because, um, Paul and Drew were gonna pick me and Kelly up at our apartment at, like, 3:30. So I remember I didn't have a lot of time.

Taylor:

Um, I definitely, definitely didn't eat anything o- else, other than that turkey sub, like the entire day. Um, we got to the place at, like, 5:00. So it took us, like, an hour and a half. So I don't remember, but we must've stopped. I'm not sure, but if we did it was, like, maybe so somebody could go to the bathroom. But anyway, we got there around 5:00. Um, and we checked into the hotel, and it was a normal hotel room. Um, and so, um, there was, like, a bathroom and two beds. And, um, yeah. So we, yeah. So there was a bathroom and two beds. Um, I'm just gonna check. It was ... th- um, so after we got there, um, I think Paul and Drew, like, got dressed pretty quickly. They put on their suits and they went to the hotel bar. And then me and Kelly, um, took turns showering, and we got ready.

Taylor:

And then, um, we were pregaming while we were getting ready. And then, when we were done getting ready, we went down to the hotel bar, and met Drew and Paul. Um, I think I- we just pretty much sat there with the three of us and a few other people I don't really know for about an hour, and then cocktail hour started. Um, I th- then, I had a couple drinks. Um, when we were at the bar. Actually, I think I just had one glass

of white wine and I definitely had a club soda because I usually do that. Like I alternate drinks and soda, drinks and soda. Just 'cause I don't like to get hungover. Um, and that helps. So I th- I ordered, I definitely ordered the wine myself, I definitely ordered the club soda myself. Like being a bartender, I know how important it is to, like, watch people pour your drinks and to order yourself, and so I did that.

Taylor:

Um, and yeah, I remember I was just sitting at the bar, and I think, or I don't think, but Drew was on ... Or excuse me, Paul was on one side of me and Kelly was on the other side. Actually no, Drew was on one side, and then it was me, and then Kelly, and then Paul. Um, and I remember because Drew and Paul kept leaning across us and talking and it was annoying me. Um, because they were loud, like they were already drunk and it was, like, early. So it was annoying. Um, so then we all went into, like, the cocktail hour at 7:15. There was food but I didn't really eat anything, um, 'cause it didn't look gross. There was, I would say, 60 people. And, um, I recognized most of them, because a lot of them come into Cheers. But I wasn't particularly close with any of them.

Taylor:

This wasn't my normal crowd of friends. I knew Drew and Kelly and Paul, of course, but the rest of the people at the party were more the fraternity and sorority scene. Which I'd never really been a big part of. So, um, so yeah. So once we got to cocktail hour, um, I remember Drew offered to get me a drink and I was like, "Sure." And he came back with a cranberry and vodka in a pint glass. And I drank, or started to drink it. It was pretty strong, and so I kind of took it slow. It was, like, a really strong drink. Um, and I make stiff drinks, and this drink was strong. Like, so it was definitely, like, crazy. Um, so yeah, I think I just had that one drink at the cocktail hour.

Taylor:

And then, um, we went into the, like, the big room. Like I think it's called a banquet room. And we had assigned seats. We went and sat, I was at a table with, um, me, Drew, Kelly, Paul, um, uh, this girl Cristina, and, um, this guy Matt. And so, um, we all sat and shortly after we sat down, uh, Drew asked if I needed another drink. And I, um, was still drinking the cranberry and vodka that he got me during cocktail hour. And so I

told him that I was good. And, um, he left. And he went to the bar to get another drink. Um, so yeah. I was, like, just talking with everybody at the table, and then 20 minutes later, he came back. And by, like, by he, I mean Drew, he came back to the table, and he put another, um, full cranberry and vodka in front of me, and was like, "Oh, I got you a backup."

Taylor:

And I remember in the moment being annoyed by it, because I was like, "Dude, I told you I don't need a drink, I'm a grown ass woman, I can get my own drink if I need one." And then I kind of felt like I was being a bitch in my head because he was just being nice. But, like, I had two full drinks at that point, and they were really strong, and I was, I don't know, I remember being annoyed by it. Like at this point in the night I was just kind of annoyed by him. Like, he was drinking, he was talking across me. He wasn't listening to, like, me say, "Like, no I don't want a drink." And that's not what I like. And so, anyway, I was just kind of annoyed. Um, but, um, I remember, like I, I kept drinking what I had.

Taylor:

And then that was pretty much my last complete and clear memory from the night. Like, him coming back to the table and being like, "Here's another drink." And me getting annoyed, and that, that's pretty much it. That's my last complete and clear memory. Um, the rest of, so, like, the rest, when I try to think about the rest of the night, like the rest of my memories are, like, short movie clips, that's the best way I can describe it. I, I remember bits and pieces of the night. And the memories that I have are crystal clear, but they're short little snippets, and I'm not sure of the order, like, in which things happened. Um, should I share, like, what I do remember?

Investigator Plates:

Yes, that'd be helpful.

Taylor:

Okay. So I don't know if this is in the right order, but this is the order that I, like, remember it in. But I don't know if this is how it actually happened. But the first memory I have is of walking down a long hallway with a lot of doors. Um, I remember

that I was leaning against the wall for support as I was walking, and I think I was barefoot. I don't remember seeing or talking to anyone, everything was, like, spinning. And I just, like, felt like I was in a movie. Like, ha- like have you ever seen, like, a movie with, like, a long hallway? That's what it felt like. And I just, like, just remember being like, slumped up against the wall and, like, walking down, like almost like I was, like, sideways. But obviously I wasn't sideways, but that's how I remember it.

Taylor:

Um, I also remember being in a bathroom with stalls. Um, there was a pink loveseat in the bathroom, too, I remember this bright pink loveseat, and I remember being on the floor of one of the stalls when two girls came into the stall, and I remember that they picked me up and put me on that pink couch. They were really nice to me, they gave me water, and then I remember, like I had, like, a, like a, like a glimpse of Kelly coming in. I think someone had went and got her. I remember Kelly saying, "I don't understand how she got this way." And then things kinda go blank again.

Taylor:

Um, I remember waking up in a bed, the room was dark, and I was on my back. My dress was still on, and it was up, and my arms were, like, tangled in it. I immediately kind of felt, like, a weight on top of me, and I realized it was, um, Drew. He had his mouth on my neck, and then on my breasts, and I remember having a sharp pain in my vagina. I realized his penis was inside of me, and he was, you know, having sex with me. I tried to lift my hands, but I just couldn't. And I remember I tried to speak, but I couldn't find any words. And there was no more. And then there's no more, it's just black, and I must've passed out again. Um, I definitely woke up again, and, um, I was face down in the bed. My dress was pushed up so my face was a- like on the bottom part of my dress. And someone was penetrating me vaginally, like with their penis from behind.

Taylor:

Um, I tried to push myself up, but as soon as I lifted my head, I started to, to vomit, um, I started to get sick. And I recalled that whoever had been on top of me kind of, like, withdrew from my body. And yelled, "Oh fuck." Um, I definitely recognized that voice to be Drew's. And I remember being dragged by my arms, like this person got off the

bed and came, like, in front of me, and dragged me by my arms so that my head was hanging off the side of the bed, and I just remember that I just kept puking. And that's the only memories I have of the night. Um, my next clear memory was when I woke up in the morning. I remember waking up and being totally disoriented, I was under the covers, and I had clothing on. Although I wasn't sure in the moment what I was wearing. Um, Drew was in the bed next to me, he was asleep on top of the covers, and was dressed in shorts and a shirt, which I thought was weird.

Taylor:

I remember looking over at the other bed, it was empty, um, and I felt, like, kind of panicked. So as soon as I sat up, I felt sick, and I had to run to the bathroom to throw up. Um, after I puked, I washed my face and looked at myself in the mirror. I remember, like, I just stared at myself for, like, 10 minutes. I was still in my dress, but I had a black fitted tshirt over it, which doesn't make any sense. Um, the bottom part of my dress, which was, like, a full length dress, and my hair were wet. Like wet, like wet wet. Like almost, like, someone had, like, washed, like, puke off of me. Um, and so I just sat on the floor of the bathroom and I tried to figure out what happened to me. I, I couldn't remember a thing, my head was pounding, my stomach was sick. I had a pain in my vaginal area.

Taylor:

Even though I couldn't remember what happened in the moment, I knew, I just knew that Drew had sex with me. So I stayed in that bathroom, like on that floor, for what felt like forever. I was numb. I didn't know what to do. I was still made at myself for getting so drunk. I was frustrated that I couldn't remember anything. I was so embarrassed. In that moment I felt helpless and ashamed and just, it was, like, the worst feeling in the world. Um, at some point while I was in there, I don't know how long I was in there, Drew started knocking on the bathroom door and asked if I was okay and if I needed anything. And I didn't know what to do. But I knew I couldn't hide in the bathroom forever. So I pulled myself together and I opened the door.

Taylor:

Um, Drew told me to lay back down and he would go get me something to eat and drink. And I got back into the bed, and left the room. Um, I don't remember if I did or I

didn't text Kelly. Um, I looked back at my phone to see if there were text messages between us, and, um, it didn't go back that far. But, like, for some reason I think I did. But I don't know. But anyway, Kelly and Paul came back in a few minutes after he left, and they asked if I was okay. Um, and I basically told them I was not okay, and that I wanted to go home. And so they just started to, like, immediately pack up. Like they didn't ask me any questions, they just started to pack.

Taylor:

And then, um, at some point, Drew came back with food and water, um, and at that point, we were ready to go. And so Paul told Drew that he should find another ride home. But Drew insisted on going with us. Um, he got ready super fast, and within 10 minutes we were in the car and on our way home. Um, I didn't, like, talk at all during the way home. I blamed my silence on being hungover. Um, the three of them were laughing at me. Drew told me I won the award for the most wasted date. I actually felt bad, like I had embarrassed him or something. As we drove, memories of the night started to come back. When I remembered parts where he was having sex with me, I got physically sick. I had to make Paul pull over and I was violently vomiting on the side of the road.

Taylor:

Um, when we finally got home, Paul dropped me off at the apartment. And I got out of the car and I remember I didn't, like, say anything. I just got out of the car. And I went straight into the apartment. Um, when I got in, um, my two roommates, uh, Brett and Joe, were sitting at the kitchen table. And, um, Brett and Joe looked at me and I just started to cry. They rushed over and asked me what happened. I could tell that they knew it was something bad. I could almost feel the anger radiating off of them. And it scared me. I was afraid that if I told them what Drew had done to me they would kill him. I, I had been friends with them since freshman year, they were really protective of me, like big brothers.

Taylor:

So I made something up. I'm not even sure what I said, and I don't think they really bought it, but they left me alone. And I went straight to my room and I slept for, I feel like, five days. Um, so yeah. That's really it.

Investigator Plates:

Okay. Taylor, thank you for sharing that with me. Um, are you comfortable if I ask you a few questions? (silence) Okay, all right. So I'm gonna, um, back up a little bit, if that's okay. Um, and ... Do you, you had said previously that you knew that, um, Drew had a crush on you. And you shared that you made it clear that you didn't feel the same way. Can you help me understand, um, how you made that clear to Drew?

Taylor:

Yeah. So, like, I knew he liked me, and I didn't wanna lead him on. So I never accepted his invitations to hang out alone, I never let him buy me drinks. Um, I even showed up to parties at his house with other guys that I was seeing at the time. Um, I never, like, explicitly told him that I wasn't interested in being more than friends. But I really think my actions made that clear to him. Um, and I think he understood that I wasn't interested hi- in him in that way.

Investigator Plates:

Tell me more about "in that way?"

Taylor:

Like sexually. Like he knew that I didn't wanna hookup with him or date him.

Investigator Plates:

Help me understand your belief that Drew knew that you didn't want to hook up with him or date him

Taylor:

Um, like I said, like, he ... I mean, I couldn't have made it any clearer. Like he would flirt with me, and I just didn't engage with him in that way. Um, and, like, he never explicitly told me he liked me either. Like, he never, like, asked me out on a date, or he never asked me to hookup, which would've been really direct. But, like, he definitely was flirtatious and I wouldn't really flirt back, and he did ask me to hang out, like, just the two of us. Like I remember one night, he was like, "Do you want to come over and watch a movie?" And I was like, "Oh, who else is gonna be there?" And he was like, "Oh, it'll just be us." And I was like, "No, like I'd rather hang out in a big group." And

things like that. And he just kinda stopped asking, which wo- made me feel like he knew that, like, he knew to stop asking. Because I wasn't gonna, like, hang out with him alone. So that's kind of how I knew.

Investigator Plates:

Help me understand your contact with Drew over the summer.

Taylor:

Nothing. I didn't hear or see or engage with him at all over the summer.

Investigator Plates:

What are you able to tell me about your interactions with Drew once the fall 2020 started

Taylor:

I don't even really remember them. They weren't that, like, significant. Like it was just a bunch of people hanging out. And like I said, like I knew him better than I knew some of his other fraternity brothers. Um, and when I would go to the, the, like, parties with him, like it wouldn't ... Like the fraternities host parties, but not just for fraternity people. So, like, when I said I would go there and hang out, like, with him and his friends a little bit more, I guess what I meant would be, like, my friends, my group of friends would choose to go to the parties that his fraternity was hosting more, because Kelly was there and Paul was there, but also Drew. And, like, Drew was now kinda my friend. So that's what I meant.

Taylor:

But you know, we would hang out. Like I'd be there with friends, he'd be there with friends. Like I said, there was a girl that he was seeing who would be around. Um, and so, um, yeah. So that was kind of it.

Investigator Plates:

You mentioned that when Drew asked you to go to the formal with him, um, and you were kind of questioning the sleeping situation because you'd be sharing a hotel room, um, help me understand that, not wanting things to get weird?

Taylor:

Yeah. I meant I didn't think there would be any opportunity to hook up. Um, and so Drew wouldn't try. Which meant I wouldn't have to make things weird by rejecting him. Like the fact that we were all staying in the same room, I was like, "Oh, like, he's not gonna try and hook up with me in front of Kelly and Paul." And so, like, I'm not gonna have to deny him, and then make things weird. That's what I meant.

Investigator Plates:

Okay. Had Drew ever tried to hookup with you before?

Taylor:

No.

Investigator Plates:

Okay. All right.

Taylor:

Although I had, like, kind of got the impression from what Kelly and Paul told me, and from the way he acted, that he totally would have if I was into it.

Investigator Plates:

Okay. So when you got to the formal, um ... You had mentioned that, um, you checked in and it seemed like, I think you said normal hotel room with two beds. Um, were any of the sleeping arrangements discussed prior to going to the hotel?

Taylor:

We didn't talk about it. Um, and then once we got there, we didn't talk about. Like Kelly and Paul put their bags on one bed, Paul and, or Drew and I put our bags on another. It was kind of understood that they would be sharing a bed, and that Drew and I would share a bed. I wasn't opposed to sleeping in a bed with him. Like when you're in college, you know, living with lots of roommates, it's common for be- for people to sleep in beds with each other, especially after a long night of partying wi- I never for a second thought that agreeing to share a bed with him was a signal that I wanted to have sex with him.

Investigator Plates:

You'd mentioned that you and Kelly were pregaming, help me understand pregaming.

Taylor:

Um, so, like, what do you mean? Do you wanna know what we were, like, drinking?

Investigator Plates:

Yeah. So I just wanna make sure I understand what you mean when you use the term pregaming because it is important to me that I have a full and clear understanding of your experience.

Taylor:

Yeah, so, sure. So it's basically, like, while we were getting dressed, we had some drinks. Um, I remember that we were definitely drinking champagne, 'cause, um, I had taken a bottle from the bar and brought it with us. Um, and I remember I had, like, two small glasses. They were about, like, four ounces. So I probably had, like, eight ounces of champagne. We definitely didn't, like, kick the bottle.

Investigator Plates:

Okay.

Taylor:

But we almost did. Um, and that, so we had while we were getting ready, and then we went down for cock- or down to the bar before cocktail hour.

Investigator Plates:

Okay. And help me understand how you were feeling while you were pregaming?

Taylor:

I felt fine.

Investigator Plates:

Are you able to recall if you ate while you were pregaming?

Taylor:

No, I didn't eat anything. The sub was the only thing I ate that day.

Investigator Plates:

Okay. All right. Um, so down at cocktail hour, uh, you had a couple drinks. Are you able to share with me what you were drinking?

Taylor:

It was white wine, and I think I only had ... No, well, in the hotel bar I had a glass of white wine and a club soda. And then, at cocktail hour, I was nursing that cranberry and vodka that he got me, that double. And then the, by, that's what I drank. I had the champagne, the wine, and almost all of the first cranberry and vodka. I don't remember touching the second one, but maybe I did. I don't know.

Taylor:

I don't know. I don't remember.

Investigator Plates:

Okay. And are you able to recall how you were feeling, um, when you were drinking that first vodka?

Taylor:

I mean it was strong, so I started to get a buzz real quick.

Taylor:

And then it was just, like, lights out everywhere.

Investigator Plates:

Help me understand lights out everywhere

Taylor:

I don't remember a fucking thing shortly after I started drinking that drink

Investigator Plates:

Okay. Um, you had said that, um, you recalled that Drew was already drunk. So help me understand what led you to believe that he was drunk.

Taylor:

Well he was drinking fast. He was drinking beer up until that point, and I remember he was drinking fast. I wasn't counting, but I would say that by the time we got to the banquet room for dinner, he had at least four bottles of some IPA, which are, like, strong beers. And yeah. Like I just remember him drinking fast and b- he just was acting like somebody who had been drinking. So I saw him drink before, um, but I don't know how much he had before we came, like while we were getting ready. Like I don't know how much he had when he went to the bar. Like, he could've taken shots. Like I have no idea. Um, but I saw him drink at least four beers in a short period of time, from the time we got downstairs, until the time, like, I don't remember anything. Which was, like, less than two hours.

Investigator Plates:

Okay. And are there any conversations from, um, the time that you went down to the bar, until you aren't able to recall, um, are there any conversations during that period of time that stood out to you?

Taylor:

No. It was just like, small talk with a bunch of people I don't know.

Investigator Plates:

Okay. Okay. Um, so tell me ...

Taylor:

I mean, after the whole incident, I was really angry. Um, like, I was angry because I should've never gone. Like I didn't even like these people, I don't know why I went. I was just angry that I, at myself for going. And I, I was angry at Paul. I was con- or not Paul, at Drew. I was convinced that he drugged me. I mean, I was a bartender, Investigator Plates, I drank a lot. My tolerance for alcohol was high. There was no way I had gotten that wasted, would've gotten that wasted, off of three, maybe four drinks.

Um, and so after this whole thing, like, I avoided Drew and it seemed like he was avoiding me, too. I didn't go to parties at his house. He stopped coming to the bar. If I saw him out, I would leave immediately.

Taylor:

I managed to go the whole rest of the semester without seeing him. Not seeing him, it helped. It allowed me to forget, or at least convince myself that it didn't happen.

Investigator Plates:

Okay. Um, are you okay if I, I back up a little bit, ask some questions?

Taylor:

Yeah.

Investigator Plates:

Okay. Taylor, you described some of your memories from that evening. Um, are there any other things that you recall?

Taylor:

No, I've, like, thought about it and thought about it and thought about it, and that's all I have.

Investigator Plates:

Okay. Okay. So help me understand, um, why you decided not to report at the time.

Taylor:

So, um, I don't think I even realized that what he did was wrong, and that he had raped me, at first. Um, I mean, that morning I knew that what he had done was wrong, I knew that in my bones. And deep down, I believed that I had been drugged. But I had no proof that it was him. He was my friend. And so part of me wanted to give him the benefit of the doubt. I mean, I couldn't remember what had happened. I'd wondered if maybe I asked for it, led him on, I don't know. But the further away I got from the night, the more I realized that I was out of it. Everyone I spoke to that night said that I

was a complete mess. Falling all over the place, incoherent, vomiting, passed out on the bathroom floor. And he knew that.

Taylor:

A few weeks after the formal, Kelly told me that Drew had literally carried me from the li- bathroom, back to the hotel room, over his shoulder like a sack of potatoes. It was, at that point, or maybe sometime after, that I realized that he didn't deserve the benefit of the doubt, and that he had raped me. But then it seemed like it was too late. And who would believe me now? So I, I just didn't say anything. And just, like, tried to live with it, and, like, move on from it. And like I said, I just avoided seeing him and, um, yeah, I mean, I was pretty successful. Of, uh, successful at avoiding him for months.

Investigator Plates:

Okay. And help me understand what led you to report it now.

Taylor:

Yeah. So like I said, I had successfully, successfully avoided Drew for months. But about a week ago, I was at Rusty's, which is, like, another bar. It's, like, right across from Cheers. And, um, well I was there with just a couple of friends. Um, and, um, they had, like, gone off. So I was kind of alone. But I didn't feel alone. Because, like, I was talking to the bartender. All the bartenders, we know each other. And so I was talking to the bartender, and then, um, he got busy and, like, went off to serve folks. So I was kind of just standing alone at the bar. I think I was on my phone or something. And all of a sudden, Drew came up to me and was like, "W-" Asked me why I'd been avoiding him since October. And I said, "You know why." And I tried to walk past him. Um, but he stepped in front of me and I wasn't able to walk away, and he said, "Why don't you enlighten me?" And he was smirking.

Taylor:

He knew exactly what I meant. It seemed like he wanted to make me say it, and I refused. I called him a sick fuck, and I pushed past him. He started to follow me and I started to run like a crazy person through the bar to get away from him. I was crying. And when I got to the door I looked back, he wasn't, he wasn't following me anymore,

but he was standing there watching me, and he was laughing. Um, it was in that exact moment that I was like, "I'm gonna report this asshole." Um, and, and I did.

Investigator Plates:

Okay. Um, Taylor, is there anything else that you think is important for me to know?

Taylor:

I don't think so, not right now.

Investigator Plates:

All right. Um, if you think of anything else, feel free to reach out to me. Um, do you have any questions for me?

Taylor:

I don't.

Investigator Plates:

All right, Taylor, thank you so much for sharing with me, I really appreciate it.

Taylor:

Thank you.

*This fictitious interview is intended for educational purposes only. It is designed solely to facilitate an understanding of the investigation process, and not as sample documents.

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Interview of Witness 1 Kelly H.

Investigator:

Hello. I am Investigator Plates. Thank you for agreeing to meet with me today. My hope is that you'd be willing to talk with me a bit about, um, your observations of Taylor and Drew, um, from about the time they met, all the way through until the filing of the formal complaint. Um, are you still willing to do that, Kelly?

Kelly:

Uh, yes, I'm- I'm willing to do that.

Investigator:

Right, Kelly. Um, and so I'm hoping that, uh, we could get started. And why don't you just start by sharing with me a bit about how you know Taylor and Drew. And- and what, if anything, you know about their relationship?

Kelly:

Sure, so, um, I have been best friends with Taylor since junior high school, we went to the same junior high. Um, we- we came here to Grand River University together as, uh, freshman and, um, we live together, currently. Uh, currently we live, um, in a house. We have 10, there's 10 of us total. Um, it is Taylor and I and then, um, we have, uh, eight other roommates.

Kelly:

Um, so that's how I know Taylor. I know Drew because Drew is in my ex-boyfriend, Paul's fraternity. Or was in my ex-boyfriend... or no, is, I think, in my ex-boyfriend, Paul's, fraternity. Um, so that's how I know Drew.

Investigator:

Thank you. What are you able to tell me about your understanding of how Drew and Taylor met?

Kelly:

Sure, so, um... I think they knew of each other because, uh, Taylor is a, uh, bartender at Cheers, which I'm sure you know is, like, a place where a lot of people hang out. Like, there's like three bars in all of, um, this area and Cheers and Rusty's is... are the two most popular. And she works at Cheers. Um, and Drew definitely would, like, go there and, um, Paul, you know, and I would go there a lot. And, uh, so they knew of each other, um, but I, like, officially introduced

them in the spring, like, the late spring, it was right before school ended in 2020. Um, I introduced them because Paul told me that Drew had a huge crush on, um, Taylor, for a really long time and, um, Taylor didn't really, like, notice him and wasn't really into him.

Kelly:

Um, and so I introduced them and then, of course, she did notice him and they became, like, friendly and they... I think they hung out a couple of times before that semester ended. Um, I don't know if they talked over the summer. I don't think they did but I don't know. And then, when we got back to school in the fall, like, I remember Drew being super-excited to see Taylor and went into the bar, like, the first Friday night, um, of the semester. So that would be fall of 2020 and, like, intentionally asked if Taylor would go to his fraternity's party the next Saturday night. Um, and I think she did. I think I saw her there. She was with some of our roommates but I, like, remember her disappearing at some point in the night and not knowing where she went. Um, and so I don't know if they hung out at that.

Kelly:

But then, I remember, like, things kind of, like, I remember Drew being super-excited to see Taylor and super-into wanting to, like, explore, like, I don't know, like, dating her. And then, so he asked her to the party and then the party happened and then all of a sudden, he like, didn't talk about her anymore and I don't really know what was up with that. Um, but I didn't really care, so I didn't ask because I didn't really think Taylor was into him, anyway. Like, I don't think she wanted to date him.

Kelly:

Um, so yeah... so, that's what I remember about the beginning of spring. And then, right before their formal, um, I was at the bar with Paul and Drew met us there and Taylor was working. And Drew came in and he was super-bummed because his girlfriend, Lauren, had broke up with him. And I suggested that he take Taylor to the formal, instead of, um, instead of going alone because he already had, like, paid for a ticket. And Taylor agreed.

Investigator:

Okay. That's super-helpful. Um, let me ask, uh, a little bit more about this conversation, um, about the formal. Where did that take place?

Kelly:

It took place at Cheers. We all were at Cheers.

Investigator:

Okay. And help me understand, um, whose idea it was that Paul, oh wait, that Drew take Taylor to the formal?

Kelly:

I think it was my idea, if I remember correctly, and then, I remember Drew being like, "That's a great idea. Do you want to come?" And then I remember Taylor being like, "Sure." Kind of like, Whatever. And I remember, like, giving her the eye, like, "Come because that way we can party together and it's, like, a free night, open bar, super-cool." And so she agreed and that's pretty much all I remember. Like, it wasn't a big deal. It was like, "You should go." "Okay, I'll go. Whatever."

Investigator:

Okay, great. Now, um, I want to focus in on the day of the formal, which was October 31st, 2020. Help me understand what you remember about that day.

Kelly:

Okay. Um, so I don't remember, like, most of the day. I don't really remember getting ready... I do remember that they picked us up and we all drove there together. Um... when we got there, we checked into the hotel and the guys went to drink at the bar and me and Taylor got ready in the room and we had some champagne, um, while we were getting ready or Prosecco, I don't remember which.

Kelly:

Then we met the guys downstairs and, like, I was trying to do my own thing. Taylor was with Drew. Um, the thing that I remember the most because this was a long time ago, is that Taylor got really drunk really fast. Um, and I was really surprised by it because she wasn't drinking more than normal and she has a really high tolerance. I have never seen Taylor like that. Not before and not since, it was scary, actually. I considered calling an ambulance but since she was vomiting and since we were able to get her to respond, didn't. But maybe I should have

Investigator:

Tell me more about, uh, your observations of Taylor that led you to believe that she was really drunk that night.

Kelly:

Sure. So, um, I remember she was fine and then we all went inside to where, like, the reception, if that's what, like, you would call it is, where we were going to have dinner. And we sat down at our assigned table. Um, I remember, like, looking over at Taylor and she just put her head down on the table and, like, basically passed out at the table. She couldn't sit up on her own. I was asking her if she was okay and her responses didn't make sense.

Kelly:

I went to get Paul, who had left the table to mingle with some friends, because I wanted him to help me get to her room, and when I came back, she was gone. Um, Taylor was gone. Drew told me that Kristina had taken Taylor to the bathroom because she looked like she was going to puke. I went to find her and she was passed out on some chair. Um, so I really didn't know what to do because she... I couldn't get her up and she was, like, passed out on this pink... like, I don't remember. It was like a weird color, like, loveseat in the bathroom. And so I went back into the banquet room or the reception room, whatever it's called, and I asked, um, Drew to help me carry her back to their room so we could put her to sleep so she wasn't sleeping in a bathroom. Um, and he agreed and he came with me.

Investigator:

Okay, what happened next?

Kelly:

Well, when we got back to the room, um, we put her in... well, wait, let me go back... So, he came in and there was a bunch of people standing around, like, trying to take care of her and she was, like, half awake, half not but like, not coherent. And he picked her up and he, like, threw her over his shoulder like a sack of potatoes, basically, is what it looked like, and carried her back to the room. And I went with him. And when we got back to the room, we put her in the bed. Um, in the bed that her... like, there was two beds in the room and Paul and I were going to be in one and her and, um, Drew were going to be in the other.

Kelly:

So they put her in the bed and, um, uh, s-... like, right after we put her down, she started puking. And so, Drew seemed pissed off from the moment that I went to ask him for help to get Taylor back to the room. Um, and when she started puking in their bed, he got even more mad. And I remember him being like, "What the fuck!" And he raised his voice. Like, he yelled, "What the fuck!" And he was just clearly angry and he was saying things like, "Your friend is ruining my night. Thanks for hooking up... me up with a fucking mess. I'm so glad you spent money to take care of a drunken asshole." I think he said something like, "I don't need this

shit." And then him and I got into it and we started to argue with each other because he was being an asshole. I told him to go back to the party and that I would take care of her and he did.

Kelly:

So, I stayed with Taylor in the hotel room for about an hour before I went back down to the party myself. Um, I cleaned up the vomit, or at least, I did my best to clean up the vomit that had gotten on the bed. And I just, like, laid with her and made sure she was, like, breathing, which she was. And, um... but she was, like, out. Like, I would have to shake her really hard to get her to wake up. And so, after about an hour, um, I went back to the party and then I was checking on her, like, every, I don't know, like, 45 minutes throughout the night. Because it wasn't a long walk from our room from where the party was, um, so I kept checking on her.

Kelly:

(Silence)

Investigator:

Are able to share more about the number of times you checked on her throughout the night?

Kelly:

Well, I think I left her at around 10:30 and then I definitely went back, I remember, close to, like, midnight and then I went back again, around 1:00 and then I went back around 2:30 and she wasn't there. Um, so, when I went back around 2:30 and she wasn't there, I started to panic. Um, I started to look everywhere for her, the bar, the bonfire, the public bathrooms in the hotel and resort. Um, I finally found her stumbling down a random hallway by herself. She was barefoot and she was tripping over her dress. She seemed a little bit better, but she was still really drunk.

Investigator:

So, what are you able to tell me about what happened next?

Kelly:

Um, so I like went over to her, put my arm around her. I was like, "What are you doing?" And she was like, "I don't know where I am." I remember her just being like, "I don't know where I am. I don't know where I am." And, um, so I told her it was okay and I walked her back to her room. Um, when we got there, I helped her use the bathroom. Um, she ate some chips and I think I gave her water. Um, I definitely gave her water. And... we- we talked a little bit and then,

um, I put her back in bed and she immediately passed out. Um, once she passed out, I left the room and I don't think I went back until sometime the next morning.

Investigator:

Now, you said that, um, she drank some water. Are you able to share more about how much water she had?

Kelly:

Yeah, um, it was a 20 ounce bottle of water, uh, because it was my, like, my water bottle and I filled it twice, and I think she drank both of them. Um, so yeah, probably like, 40 ounces of water. I remember telling her to drink them fast because I didn't want her to be dehydrated because she had puked quite a bit. And I didn't want her to feel like shit the next day.

Investigator:

You've also said that you were speaking while you were in the room. Help me understand what you spoke about.

Kelly:

Sure. So, she just kept apologizing and saying that she didn't understand how she'd gotten so drunk. Her speech was still pretty slurred but at least she was somewhat coherent at that point.

Investigator:

You mentioned that she immediately passed out. Help me understand.

Kelly:

Well, I mean, like, she lay down in bed, put her head on the pillow and then, like, within minutes was snoring. She snores, so she was snoring, um, and that's when I left the room.

Kelly:

(Silence)

Investigator:

Now, you mentioned that you didn't go back to your room until the next morning. Um, help me understand where you were that night.

Kelly:

Sure, so, uh, when I left her in the room around, I would say around 3:00, um, maybe 3:30, it was, like, 3:00, 3:30, I, uh, I left her and then, um, I went back, um... I went back... Actually, Paul went back to the room sometime after to get, like, I don't know what he was getting. I think, honestly, he went to get some weed that he had brought and when he came down, he was like, "That room smells like puke. I'm not sleeping in there tonight."

Kelly:

And so, one of his other fraternity brothers, um, had a, had a double room to himself. Like, him and his date had a double room to himself and so we landed up crashing in that room and... instead of going back to our room, because Paul didn't want to sleep in there because, like I said, the room's... he thought the room smelt like puke.

Investigator:

Do you remember whose room you and Paul stayed in that night?

Kelly:

Um, honestly, I don't remember. It was one of his fraternity brothers who was, like, younger than him and I didn't know him well. Um, and we didn't really interact with him or his girlfriend or the girl he was with.

Investigator:

Okay. Now, um, what are you able to tell me about the next morning?

Kelly:

Sure. So, um, the next morning, uh, I got some text messages from... Taylor asking me to come back to the room. Um, actually, no, I think about... Now that I think about it, that night, when I was looking for her, I was texting her. Um, so, you know, the night... when I went in the room and I couldn't find her, I was texting her and she didn't text back. But the next morning she texted me and she basically asked me to come back to the room. Um, I don't remember exactly what she said but I can go back and look, um, if you want me to. But she texted me and asked me to come back.

Kelly:

And so I woke up Paul, it was pretty early, uh, and we went back to the room. And when we walked in, Taylor was not herself. She immediately said she wanted to leave. She looked so upset that, um, me and Paul didn't ask any questions we just started packing up. When... Drew

came back into the room, we told him we were leaving immediately and that he could stay and catch a ride with someone else if he wanted. He started back up too, though, and we left.

Investigator:

What are you able to tell me about your observations of Drew and Taylor in the room that morning?

Kelly:

Honestly, I don't remember them talking to each other. I just remember that we, like, packed in a hurry and we left.

Investigator:

And what are you able to tell me about the car ride home?

Kelly:

Sure. I don't really remember that either, if I'm going to be honest with you. I was pretty hungover. Um, I drank quite a bit myself, the night before... well, that's not true. Um, I started out partying hard and then, after Taylor got sick, I kind of stopped drinking. But I was still tired, it was a late night and so, like, I just... I don't really remember the car ride home. I do remember, though, that when we got to our apartment, Taylor got out of the car and just kind of like slammed the door shut and went into the house. She didn't say goodbye, she didn't say thank you. Um, it wasn't like her, you know, to just leave without even saying goodbye or thank you.

Investigator:

And did you, uh, go home too or did you go somewhere else?

Kelly:

No, I didn't go back to the apartment, um, with Taylor, instead I went back to Paul's house and I stayed there for the rest of the day and maybe through the weekend.

Investigator:

Thank you. Now, um, you mentioned that you had drank, yourself. Can you help me understand your level of intoxication the night of October 31st, 2020 into the morning of November 1st, 2020?

Kelly:

Sure, so like I said, I partied hard at the beginning of the night, um, but I pretty much stopped drinking after Taylor got sick because I wanted to be able to take care of her.

Investigator:

Thank you. What are you able to tell me about your observations of Taylor in the weeks following the formal?

Kelly:

Yeah. So, she was not herself. Um, she basically became a hermit. She, like, stopped going out for a few weeks. Um, when she did start to go out again, she was always with Joe and Brett, who are our roommates. Um, it actually kind of got weird. She didn't go anywhere without them. She totally stopped hanging out with me and Paul, unless we were at Cheers or my apartment. Didn't go to the fraternity parties anymore, didn't go to any fraternity parties anymore. It was like, almost like she was avoiding any place where she might run into Drew.

Investigator:

And did she ever tell you that she was avoiding Drew?

Kelly:

No. Um, she basically didn't say his name again to me until a few weeks ago.

Investigator:

Tell me about a few weeks ago.

Kelly:

Sure. So, um... so, Taylor had been out at the bars, I think she was at Rusty's. She came storming in my room at, like, 2:00 in the morning and woke me up. I think she was drunk. She was definitely really angry. She started pacing back and forth and she told me that the night of the formal, she had woken up to Drew having sex with her. She kept saying, "He was laughing. He thinks it's funny." I had no idea what she was talking about. I remember she stopped pacing and she looked at me real serious and said, "He's not going to be laughing when I report his ass for raping me." And then she left my room.

Kelly:

I just sat there, I didn't know what to do. But she was so angry I let her go. I tried to talk to her about it the next day but she said it would be better if we didn't, because I would be a witness.

Investigator:

W- what observations, if any, did you make of Drew in the aftermath of this? Of the... in the aftermath of the formal?

Kelly:

Sure, so Drew got, like, back together with Lauren, literally that day. Like, when we got home, they were back together. I remember I was at their place because Drew and Paul live together, and I remember Lauren coming in and them being, like, behind closed doors. And then the next morning, so I must've spent the night that night, coming out and, like, they were a couple again. And I remember thinking that that was kind of fucked up because I knew that, like... well... I don't know. I just thought it was fucked up because he was just with Taylor but, I don't know.

Investigator:

And do you recall whether or not you shared with Taylor that Drew and Lauren were back together?

Kelly:

I don't think I told her. Um, I don't think I told her.

Investigator:

And when was the first time that you learned that there was sexual contact between Drew and Taylor the night of the formal?

Kelly:

You know, uh... I don't think it was till a couple of weeks ago. Like, I just didn't, I didn't know. She never mentioned it to me. He never said anything to me, um, I just... I don't know. I didn't, I... I don't, I don't know, but I think it was when she came into my room after being out at Rusty's that night. Talking about how he had raped her.

Investigator:

What other observations did you make of- of Taylor's, uh, after... following the formal?

Kelly:

Um, yeah, like I said, she stopped going out, um, always with Drew and Brett. Um... she just was different. She just didn't have, like, the same, like, joy that she used to have. She used to be really friendly and out-going and excited about life and that seemed like... it was like a light

went out in her, is the best way to say it. And I never understood it, um, and I... you know, we've been friends for a really long time. I tried to talk to her, like, "What's..." about it. "What's going on with you?" And she would just say that she's overwhelmed with school and with work, um... And then also, there was some drama that happened so... I don't know if this is important.

Investigator:

Go ahead and share.

Kelly:

Sure, so, um, so apparently, it came out, like, maybe two months... no it was, it was after winter break so it was early spring of 2021... No, that can't be right. So it was over winter break because a lot of us stayed up to work. And it came out that, um, my roommate Joe and Taylor had been, like, hooking up for a really long time and nobody knew about it. And they had, like, kept it secret because Joe had a girlfriend who he'd been trying to break up with but, like, was not getting the message.

Kelly:

And also, Taylor had been in a relationship with one of our other roommates, for a really long time, and they were completely over. But, like, Taylor and John were together for, like, a year and a half. Our, like, our whole freshman year and most of our sophomore year, and Joe and John are really good friends. And John took the breakup really bad and I think they didn't want to hurt John, and so they kept, like, their relationship or whatever was going on between-between them secret. And, um, basically, over winter break, John kind of caught them hooking up and there was a lot of drama in the house.

Kelly:

Like, John wound up moving out. Um, it ruined John and Joe's friendship. Um, Taylor felt really, really bad about it. Um, so it was, it was a lot of drama and she would say that that was part of the reason that she wasn't herself too.

Investigator:

Thank you. Is there anything else you think I should know?

Kelly:

Yeah, I mean, I don't think Taylor would lie about something like this. Like, we've been friends forever. She's always been honest. Um, she's not a vindictive person. I know that Drew was

trying to say that she was, she's like, making this up because she's mad that they hooked up and then he got back together with Lauren. But that doesn't even make sense because she didn't like Drew before that and I... she didn't mention him after. And I don't even know if she knew that him and Lauren got back together. Like, I honestly don't know, because it was never mentioned. But I just can't see why she would make this up.

Kelly:

The other thing is that, like, Drew has a reputation, um, for... like, I've heard rumors that Drew, like, talks about, "Well, if you get a girl drunk enough, you can pretty much do whatever you want with her." And, um, Paul told me that Drew used to joke around about how they should put extra... they should have a separate punch for women at their parties, that had higher alcohol content so that the girls would get drunker so that the boys could get lucky. And I- I mean, that's basically what Paul told me, um, and so you'd probably want to talk to him about that, but I- I just... like I said, like, I believe her. I don't think she would lie about this and I think that Drew is a scumbag.

Investigator:

Thank you. Anything more that you'd like to share?

Kelly:

No, that's it, but if there's anything else you need from me, please do let me know.

Investigator:

Yes, actually, the text messages you referred to, any messages that you have, videos, photographs, anything that you could look through that could be helpful to us, if you wouldn't mind sharing that would be great.

Kelly:

Thanks, I will do. Have a good day.

Investigator:

Thank you, you too.

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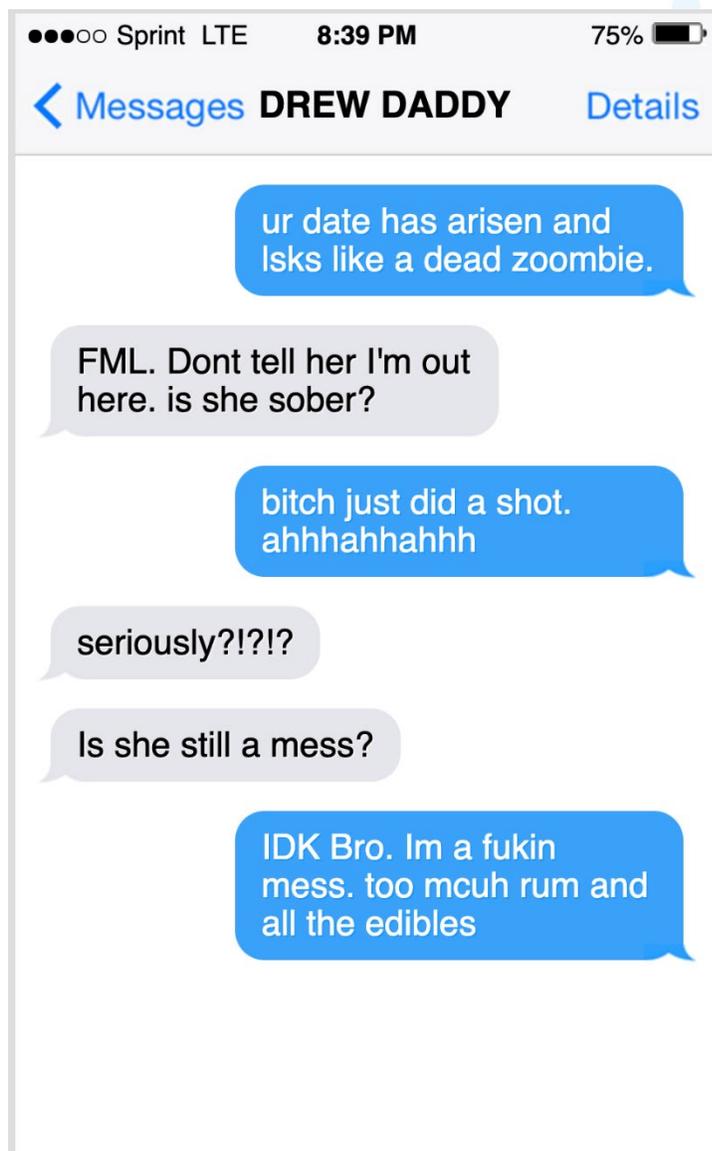
Screen Shots of Text Messages between Complainant and Witness 1 Messages obtained from Witness 1's cellular device by Investigator Ware

Date and Time Stamps indicate that the first six exchanges occurred on October 31, 2020 between 3:04pm and 3:07pm. The 7th and 8th exchange were sent on November 1, 2020 at 2:46am and 2:59am. The 9th exchange was sent on November 1, 2020 at 8:42am. The 10th was sent November 1, 2020 between 4:18pm and the final message was sent on November 1, 2020 at 8:12pm.



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Screen Shots of Text Messages between Respondent and Witness 5
Messages obtained from Witness 5's cellular device by Investigator Plates
Date and Time Stamps indicate that exchanges occurred on November 1, 2020
between 2:37am and 2:53am.



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Follow Up Interview Witness 1

Investigator Plates:

Good afternoon. Thank you for agreeing to meet speak with us again. I have just a few questions in follow up to our last conversation.

Investigator Plates:

You mentioned that on the night of the incident you were texting Taylor when you discovered that she wasn't in the hotel room. Do you recall if you tried to contact her in any other way?

Kelly:

What do you mean?

Investigator Ware:

Did you call her, attempt to DM her on any social media platforms?

Kelly:

It would make sense that I would have called her. It was so long ago though that I cant say for sure that I did. I know I definitely didn't DM her

Investigator Ware:

Help me understand?

Kelly:

Taylor doesn't use social media at all. She is the only person in our generation who doesn't have insta or snapchat. She wants to be a politician and her social media aversion is related to her dreams, or something like that. She basically just steals my phone and uses my accounts to be in touch with the world



**Investigative Report Template
For Investigations of Title IX Sexual Harassment
July 1, 2020**

Chantelle Cleary, Esq.
Senior Consultant, Grand River Solutions, Inc.

What is the purpose of the Investigative Report Template?

The Title IX Final Rules, issued May 19, 2020, mandate that all Title IX recipients follow a specific procedure for investigating formal complaints of sexual harassment covered under Title IX, including sexual violence. The Title IX Grievance Process is developed and enforced according to the Institution's obligations under the U.S. Department of Education's Final Title IX Rule of May 19, 2020 (you may view the Final Rule at <http://bit.ly/TitleIXReg>). This investigative process must include an opportunity for the parties to present and review relevant evidence and requires that recipients create an investigative report that the parties may review before the hearing. While many institutions already perform many of the steps described here and provide investigative reports, the Final Rules impose specific requirements that may need to be built into your current process.

How is the Template organized?

This Template provides a step-by-step analysis of the procedures that must be followed when investigating Title IX-covered sexual harassment. It also outlines sample language that institutions may use when drafting the investigative report.

Investigative Report Template

Overview of the Investigation

In this section, provide a very brief overview of the case. Include:

- the names of the parties,
- the applicable policy(ies)
- the prohibited conduct alleged,
- the date, time, and location of the conduct,
- a brief description of the alleged misconduct

Sample Language

The following investigative report summarizes the relevant evidence obtained in an investigation conducted in response to a report that TAYLOR DOE (herein after “Responding Party”) violated certain provisions of the *(Institution’s Name) (Name of Policy)*.

On or about *(date)*, *(Institution’s Name) (student/faculty/staff)* DREW SMITH (herein after “Reporting Party”) filed a Formal Complaint with *(Institution’s Name)* Title IX Coordinator, wherein it is alleged that (include very brief description of the allegation(s)).

{NB: Using this naming convention throughout the Report is suggested in order to limit the use of parties’ names and to maintain gender neutral language.}

Jurisdiction

In this section, include a statement of jurisdiction.

Sample Language

The *(College/University)* has jurisdiction to investigate this matter because the Responding Party is a *(institutional identity of the Respondent)* and

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in {institution's} education program or activity, (select one or more):
 - a. Any on-campus premises
 - b. Any off-campus premises that {institution} has substantial control over. This includes buildings or programs controlled by a recognized campus organization.
 - c. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of {Institution}'s programs and activities over which the {institution} has substantial control.
4. The alleged conduct, if true, would constitute covered sexual harassment.

Investigators

Identify the Investigators.

Sample Language

The *(College/University)* has assigned the following individuals to investigate the report:

- *(name)*

- *(name)*

Person 1 has received training in conducting the investigation and writing this report, as required by law and regulation. Specifically [TRAINING and DATE]

Person 2 has received training in conducting the investigation and writing this report, as required by law and regulation. Specifically [TRAINING and DATE]

Objective of the Investigation and the Investigation Report

Sample Language

This investigation was conducted in accordance with the procedures set forth in *(the Institution's policy)*. This investigation focused on a fair and impartial collection of all available evidence including, but not limited to, witness accounts and documents. The Reporting Party and the Responding Party were given opportunities to offer evidence for inspection and review by investigators. Prior to completion and submission of this report, both parties and their advisors were afforded the opportunity to review all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. The parties were given *(at least ten days)* to review the evidence and submit a written response for consideration by the investigator(s) prior to the completion of this report. Their responses were considered by the investigators and are included in Appendix (cite)

This report is a summary of all relevant evidence collected and reviewed as a part of the investigation. The final report was provided to the parties on *(date)* and the parties were given *(at least 10 days)* to respond. Their responses are included in Appendix (cite).

Prohibited Conduct Alleged:

List all allegations of prohibited conduct in the formal complaint along with the policy definitions. Use a clear numbering system such as Allegation I., II., etc. so that allegations and responses can be easily reviewed together.

Witnesses:

In this section, list all witnesses offered by the parties and identified during the course of the investigation. Designate which witnesses were interviewed. For those witnesses that were not interviewed, set forth the reasons that an interview was not conducted, and if applicable, all attempts made to conduct the interview.

For more complex cases, consider adding more information about each witness in this section. For example, consider including who/how the witness was identified, the witness's relationship to the parties, and a brief explanation of why they are a witness.

Pursuant to the final regulations, if a witness does not participate in the hearing, their statements and other evidence attributed to them (text messages, etc.) may have to be excluded from consideration by the decision maker. If you believe that a particular witness is not going to participate in the hearing, you should NOT exclude that witness and the evidence obtained from them during the investigation from the investigation report. It is the responsibility of the decision maker to exclude the evidence related to that witness from consideration when making their final determination.

Sample Language (Simple Case)

The following witnesses were interviewed:

1. Reporting Party
2. Responding Party
3. John Doe
4. Jane Doe
5. Janet Roe

The following witnesses were identified, but were not interviewed:

- a. Joe Smith

- a. Mr. Smith was identified as a witness by the reporting party. Mr. Smith did not respond to attempts made by investigators to schedule an investigative interview.
- b. Jane Smith
 - a. Dr. Smith was identified by the investigators as a potential witness during the investigation. Dr. Smith declined to participate in an investigative interview.

Sample Language (Complicated Case)

Witness Name	Witness identified by:	Information offered
John Doe	Reporting Party	Mr. Doe is the Reporting Party's best friend. He was with the Reporting Party the night of the reported incident.
Jane Doe	Investigators	Jane Doe is the Responding Party's roommate. It is believed that she saw the Reporting Party leave the Responding Party's residence immediately following the reported incident.
Jane Smith	Responding Party	Responding Party identified Dr. Smith as a witness. Responding Party reported that Dr. Smith is the Reporting Party's therapist and therefore, may have information relevant to the allegations. The Reporting Party declined to sign a release that would allow Dr. Smith to submit to an interview with investigators. Thus, Dr. Smith declined to participate in an interview.

Evidence Collected

The final Title IX regulations require that all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint be shared with the parties and “made available at any hearing to give each party equal opportunity to refer to such evidence during the hearing including for the purposes of cross-examination.”

The final regulations also require that the written decision include, among other things, “A description of the procedural steps taken from the receipt of the formal complaint through the determination.” Thus, it is strongly recommended that the institution keep a detailed timeline of all procedural steps, including requests by the parties for extensions of procedural deadlines and responses thereto. It is further recommended that this procedural timeline be attached in an appendix to the final report so that the decision maker can incorporate that timeline into their written decision.

It is recommended that all the evidence be attached to the final report, in multiple appendices. The appendices can take many forms. For example, Appendix A might include all evidence deemed relevant by the investigators; Appendix B, the remaining evidence deemed irrelevant, but directly related to the allegations in the formal complaint; Appendix C, the procedural timeline. Alternatively, Appendix A might include witness testimony only (e.g., transcripts, statements summaries, etc.); Appendix B, relevant documentary evidence (e.g., text messages, SANE reports, photographs, etc.); Appendix C, the remaining evidence deemed irrelevant, but directly related to the allegations in the formal complaint; and Appendix D, a procedural timeline.

The method and manner in which the evidence is organized and included should be described in this section.

Sample Language

All relevant evidence collected during the course of the investigation is attached hereto in Appendix A. Evidence deemed irrelevant by the investigator, but that is directly related to the allegations in the formal complaint is included in Appendix B. Appendix C contains a document detailing the procedural steps taken in this matter from the receipt of the formal complaint to the submission of this report. All Appendices and the evidence therein has been shared with the parties and their advisors. The parties have had equal opportunity to review and submit written comments in response to the evidence. The written responses of the parties are included in Appendix A.

Summary of the Relevant Evidence

In this section, include a summary of all relevant evidence. This section can be organized in several ways. It is important that, however organized, the evidence is summarized clearly and accurately, and without opinion or bias. In this section, the writer should cite the evidence and information in the Appendices.

In a case involving one allegation, the report might be organized as follows:

- 1) History between the Parties
 - a) *The Reporting Party's Account*
 - b) *The Responding Party's Account*
 - c) *Witness A's Account*
- 2) The Hours Leading up to the Reported Incident
 - a) *The Reporting Party's Account*
 - b) *The Responding Party's Account*
 - c) *Witness B's Account*
 - d) *Witness C's Account*
- 3) The Reported Incident
 - a) *The Reporting Party's Account*
 - b) *The Responding Party's Account*
- 4) After the Reported Incident

- a) *The Reporting Party's Account*
- b) *The Responding Party's Account*
- c) *Witness A's Account*
- d) *Witness D's Account*

Alternatively, in a case with multiple alleged incidents, you may want to break it up by incident. For example, it may look like this:

January 1, 2021 incident

The parties agree that they agreed to meet at 100 Main Street for a party. They further agreed that they eventually went upstairs to a vacant bedroom and that once inside, they engaged in consensual kissing. Both parties reported that the oral sex occurred; the Reporting Party says that it occurred without their affirmative consent. The Responding Party states that it occurred with both parties giving affirmative consent:

*The Reporting Party's Account
(summary)*

*The Responding Party's Account
(summary)*

*John Doe's Account:
Summary*

January 15th incident

The parties agree that they met at the Reporting Party's residence to discuss what occurred on January 1, 2021. They disagree about....

*The Reporting Party's Account
(summary)*

*The Responding Party's Account
(summary)*

John Doe's Account:

Summary

NB: If some of the reported incidents occurred within a program or activity as defined in the Final Rule, and some did not, you should note that here, and note whether certain incidents will be dismissed from or maintained in this process.

Procedural Next Steps

In this section, summarize next steps in the process, including any procedural prerequisites for moving the matter forward to a hearing.

For example, if the institutional policy permits the Title IX Coordinator to dismiss a formal complaint where specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations, , this section should summarize the required procedural step and then should include the procedural analysis and conclusion.

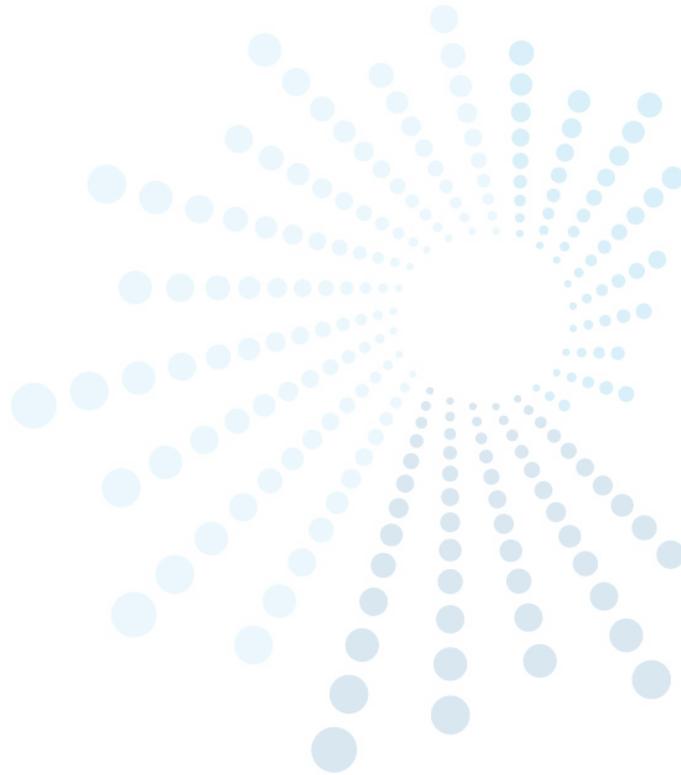
Alternatively, if the institutional policy requires that all matters advance to a hearing, this section should summarize that procedural requirement.

Sample Language

Section X of (the policy/procedures) requires that, "Upon completion of the investigation, if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations, the Title IX Coordinator may dismiss the formal complaint prior to the hearing."

It is the finding of this investigator that there is sufficient evidence to advance the allegation of dating violence to a hearing. However, owing to the unavailability of witnesses and the lack of evidence reasonably obtained through further investigation, there is insufficient evidence to reach a determination as to whether the Respondent

engaged in conduct constituting stalking. To be sure, the record is lacking in evidence to support a finding that the Respondent engaged in a course of conduct. Thus, it is advised that the charge of dating violence will be advanced to a hearing, but it is advised that the charge of stalking is dismissed. Any such dismissal will rest in the reasonable discretion of the Title IX Coordinator.



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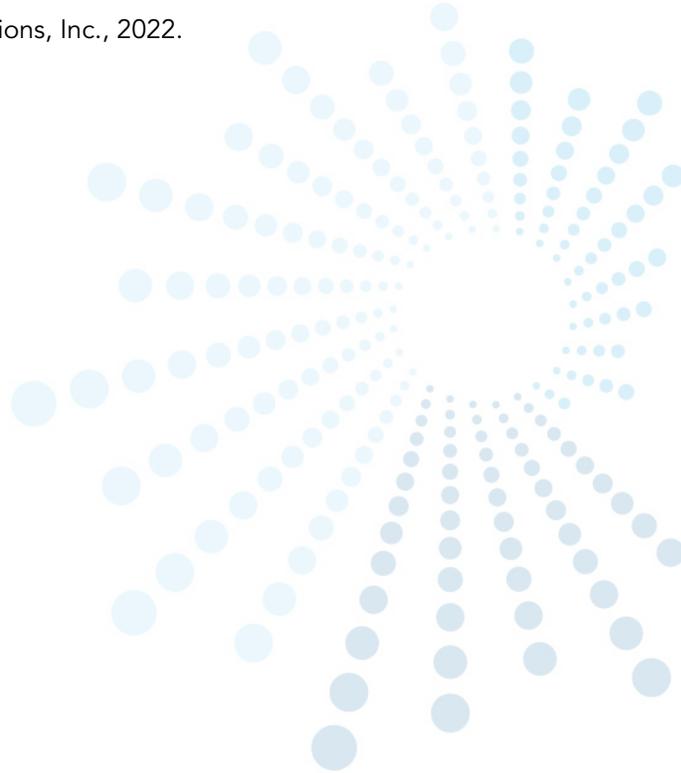
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Investigator Ware:

Thank you, Kelly.

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Report Writing Workshop
Breakout Activity 1

A. Identify the irrelevant information in the below hypothetical:

He stated, "I asked her if she felt better and she told me yes. She apologized and I told her not to worry about it. At that point I was pretty drunk myself and I just wanted to go to sleep. At some point she put her arms around me and snuggled into me. I took that as a sign that she wanted to hook up. I had heard from a few other guys that had had sex with her before that she was a super sexual girl. One of my boys described her as a 'sex freak.' I didn't want to disappoint her so I rolled onto my side and we were face to face; she didn't back away so I kissed her. She kissed me back. I asked her again if she was ok and she moaned. We continued to undress each other. Before I knew it, we were having sex. She was totally awake and totally into it."

B. Edit the following passages to enhance the simplicity of the language

<p>"The SANE's report indicated that Complainant presented to the ED with erythema around her left eye."</p>	
<p>"Following this investigation, a hearing panel will convene to adjudicate this complaint using a preponderance of the evidence standard."</p>	

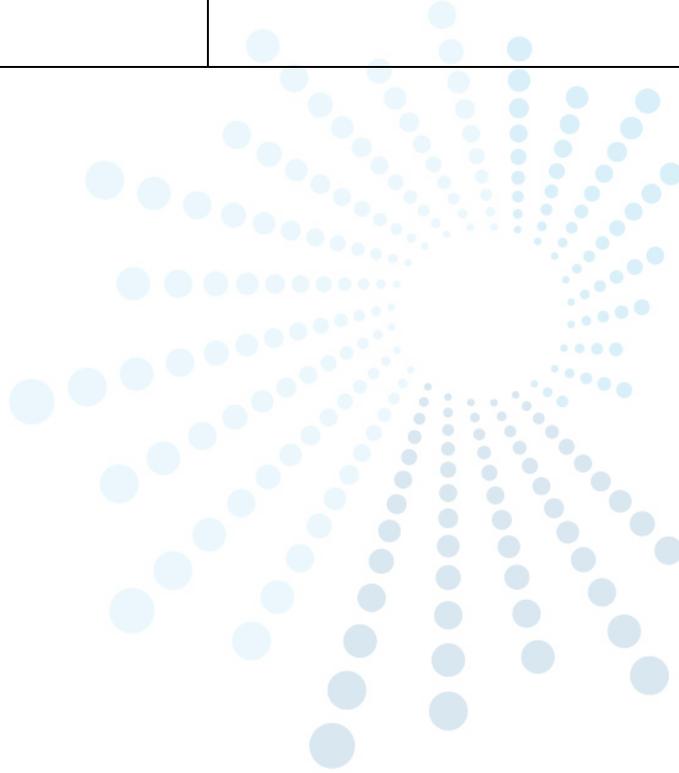
C. Accurately summarize the relevant information in the following witness statement

"I was standing outside of the library when I saw Amanda and Mike standing by the fountain arguing. Amanda started walking away and Mike grabbed her by the arm and yanked her back really hard. She kind of yelped, which was surprising cause it didn't look like it hurt. Maybe she yelped because she was scared. I really don't know. Anyway, Mike was really angry. His face was all red and he was yelling in her face, and like spitting all over it. Amanda turned her face away and Mike grabbed her by the chin and made her face him. She started flailing and trying to get away and that's when he backhanded her across the face. I've known Mike for a long time and I've never seen him hurt a fly. Amanda must have really done something to make him mad. I actually heard she cheated on him with his best friend, Kyle, which is kinda fucked up."

D. Edit the following passage to enhance neutrality.

"Complainant claimed that they were face down in the bed with their dress pushed up so that their face was actually laying on the bottom part of their dress. They alleged

that someone was having sex with them from behind.”



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Report Writing Workshop
Break Out Activity # 2

Instructions:

Using “The Formal” fact pattern, identify the questions that will be asked of the Decision Maker based on the allegations in the Formal Complaint and Notice of Allegations by filling in the Analysis Grid, below.

The Formal: Analysis Grid

Question 1	Question 2	Question 3	Question 4

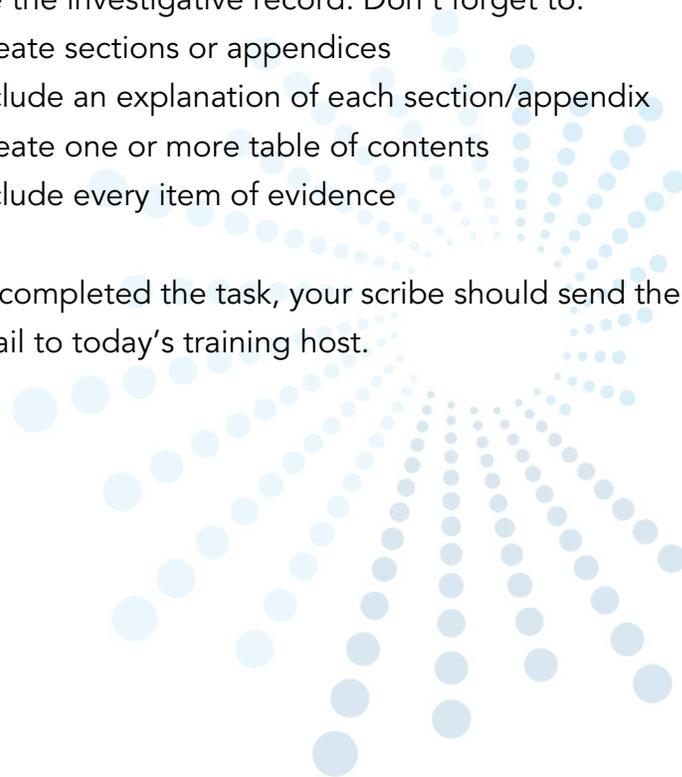


Investigative Report Writing Workshop
Break Out Activity # 3

Instructions:

1. Select a scribe.
2. Assemble the investigative record. Don't forget to:
 - a. Create sections or appendices
 - b. Include an explanation of each section/appendix
 - c. Create one or more table of contents
 - d. Include every item of evidence

When you have completed the task, your scribe should send the detailed table(s) of contents via email to today's training host.



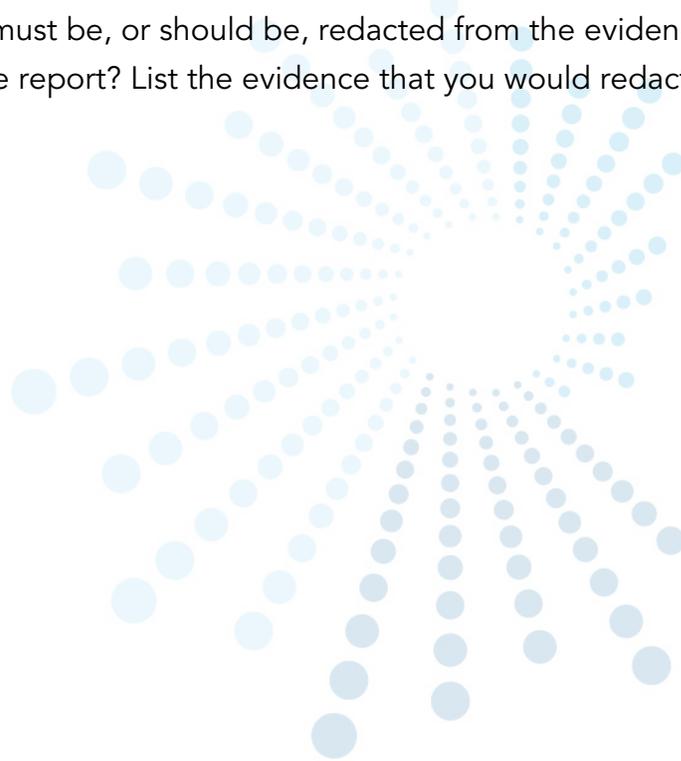
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Investigative Report Writing Workshop
Break Out Activity # 4

Instructions:

In your breakout rooms, discuss the evidence in its entirety. Is there evidence (including testimony) that must be, or should be, redacted from the evidence file and therefore omitted from the report? List the evidence that you would redact and the reason(s) therefore.



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Investigative Report Writing Workshop
Break Out Activity # 5
Summary A

Instructions:

Using the track feature in Word, edit this summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

Excerpt from a Summary of Complainant's Statement*

At the conclusion of the cocktail hour, the party moved into a large banquet room. She stated that she and Respondent found their assigned seats and sat down. They were seated at table with Witness 1, Witness 2, Witness 5, and Witness 6. Complainant indicated that she knew Witness 6 because they had had sex a few times when she was a freshman. Complainant reported that shortly after they sat down, Respondent asked her if she needed another drink. Complainant indicated that she still had not finished the cranberry and vodka he had gotten for her during the cocktail hour and so she declined his offer. According to the Victim, the Accused left her at the table and headed to the bar to get himself another drink. When asked what he had been drinking throughout the night, she stated, "He was drinking beer up until that point. I remember that he was drinking fast. I wasn't counting, but I would say that by the time we got into the banquet room for dinner, he had had at least four bottles of some sort of light beer."

Complainant reported that while Respondent was at the bar, she was chatting with Witness 1, Witness 2, Witness 5, and Witness 6. She stated that after about twenty minutes, Respondent returned to the table. Complainant described that he sat down next to her, placed a full cranberry and vodka in front of her, and told her that he had gotten her, "a backup." Complainant claims that this was her last complete and clear memory from that night. Thus, she failed to provide investigators with a full account of

what occurred next and she omitted many facts that were later reported by several other witnesses.

Despite her many omissions about her own behavior, the Complainant did make the following allegations against the Respondent:

The Complainant went on, "I remember waking up in a bed. The room was dark and I was on my back. My dress was still on, but it was up and my arms were, like, tangled in it. I immediately felt a weight on top of me, I realized it was [Respondent]." Complainant then described that he was kissing her on her neck and breasts and that they then started to have sex. Complainant then fell asleep.

Complainant described waking again. She stated that she was face down in the bed with her dress pushed up so that her face was actually laying on the bottom part of her dress. She described that Respondent was penetrating her vaginally with their penis from behind. She described that she tried to push herself up and that as soon as she lifted her head, she began to vomit. She recalled Respondent withdrew their penis from her vagina, got off of her and yelled, "Oh fuck!" She stated that she recognized the voice as Respondent's. She stated that she was then dragged by her arms so that her head was hanging off the side of the bed and she continued to vomit.

Complainant stated that her next clear memory was of waking up the next morning. She stated,

"I remember waking up and being totally disoriented. I was under the covers and I had clothing on, although I wasn't sure, in the moment, what I was wearing. [Respondent] was in the bed next to me. He was asleep on top of the covers and was dressed in shorts and a t-shirt. I remember looking over at the other bed, and it was empty. I felt panicked. As soon as I sat up, I felt sick and had to run to the bathroom to throw up."

Complainant stated that after vomiting, she washed her face and looked at herself in the mirror. She stated that she was still in her dress and but that she had a t-shirt over it. She described that the bottom part of her full-length dress and her hair were wet. According to Complainant, she sat on the floor of the bathroom and tried to figure out

what had happened to her the night before. She stated, “I couldn’t remember a thing. My head was pounding; my stomach was sick. I had pain in my vaginal area. Even though I couldn’t remember what had happened, I knew, I just knew that [Respondent] had had sex with me.” Complainant stated that she stayed in the bathroom, “for what felt like forever. I was numb. I didn’t know what to do. I was so mad at myself for getting so drunk. I was frustrated that I couldn’t remember anything. I was so embarrassed. In that moment I felt helpless and ashamed and, just...it was the worst feeling in the world.” When telling this part of her story, Complainant did not appear to be lying.

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Investigative Report Writing Workshop
Break Out Activity # 5
Summary B

Instructions:

Using the track feature in Word, edit this summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

Excerpt from a Summary of Respondent's Statement

Respondent stated that Complainant joined him at the bar about an hour prior to the cocktail hour, which started at seven p.m. He alleged,

"Taylor was fine when she came down. She was fine during the cocktail hour. Then like twenty minutes after we sat down for dinner she started to act wasted. It was crazy and it came out of nowhere. I mean it was only 8:30 and she was ready to be put to bed. I just figured that she hadn't eaten or something. I gave her some bread and she ate it. I got her water, too."

Respondent declined to share how much Complainant was drinking or how much she had had to drink between the time she joined him at the bar and when she started to behave as described above. Respondent asserted that the victim was drinking a lot, which is why he was surprised when she turned into a mess.

Respondent stated that after he fed [Complainant] Witness 5 took Complainant to the bathroom because she was in no condition to make it there on her own.

Respondent reported that approximately twenty minutes after Witness 5 took Complainant to the bathroom, Witness 1 approached him and asked him if he could help get Complainant to their hotel room. He stated,

"I followed [Witness 1] to the girl's room. I...actually went in and Taylor was asleep in a chair. She had puke on her dress, I remember that. I picked her up over my shoulder and carried her to our room. She was awake, but out of it. Kelly was with me the whole time. We put her in bed. The second I put her down, she started to vomit and I panicked. I turned her on her side and she kept puking off the side of the bed. I held her hair back the best I could. When she was done, [Witness 1] cleaned her with a wet towel. I got her water and she drank some. Then we turned her on her side, put a garbage pail next to her, and I left. [Witness 1] stayed with her. I don't know for how long. It was probably between nine and nine thirty when this happened."

Respondent reported that after leaving the room he went back to the party and that at around one a.m. he joined a large number of people outside for a bonfire. (He stated that he came back inside around three a.m. and joined a few people at the bar. He reported that shortly after coming inside, Witness 5 told him that Complainant had come down to the bar area around two-thirty a.m. and had stayed for about an hour. According to Respondent, Witness 5 stated that Complainant seemed better.

The Alleged Act of Prohibited Conduct

Drew claimed that at around 3:30 a.m. Complainant sent him a series of text messages asking him to come back to the room. Respondent stated that he went back to their hotel room and that when he got there, Complainant was awake and sober. He stated that when he got in bed with Complainant, and they started to talk. He described that Complainant told him that she was better and apologized for being so drunk. Respondent stated that Complainant then initiated sex by putting her arm around him and snuggling into him. Respondent described that he kissed her and claimed that she kissed him back. Respondent stated that the then had sex and that Complainant was an active participant.

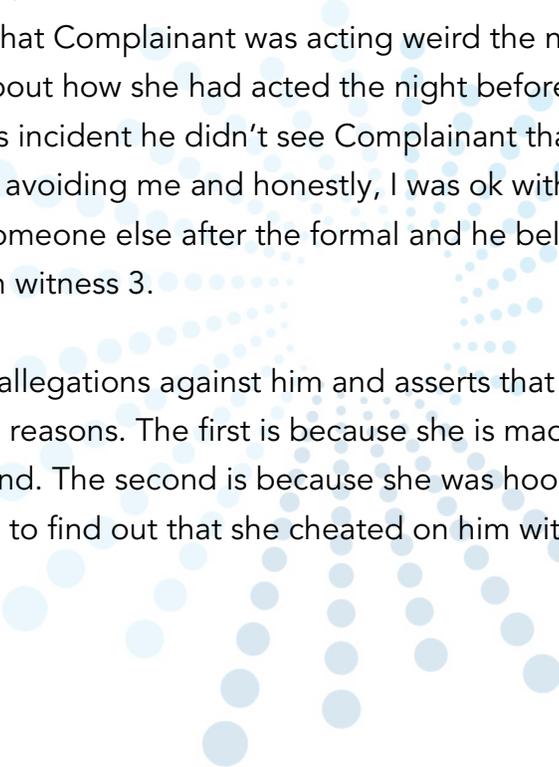
Respondent was why he believed victim had the capacity consent to sex. Respondent alleged that Taylor had completely sobered up, that she was talking normally to him, and that she had initiated it. He also reiterated that she was an active participant.

Respondent was asked to describe the position of his body in relationship to Complainant's body during intercourse. Respondent described that it started with him on top and then they moved to a position commonly referred to as doggy style. Respondent denied that the victim vomited while they were having sex.

The Day After the Formal

Respondent described that Complainant was acting weird the next morning because she was embarrassed about how she had acted the night before. Respondent also stated that following this incident he didn't see Complainant that often. Respondent stated, "She was clearly avoiding me and honestly, I was ok with that." He concluded that he started dating someone else after the formal and he believed that Complainant was still hooking up with witness 3.

Respondent denies the allegations against him and asserts that Complainant is fabricating them for two reasons. The first is because she is mad that he got back together with his girlfriend. The second is because she was hooking up with Witness 3 and she didn't want him to find out that she cheated on him with Respondent.



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Investigative Report Writing Workshop
Break Out Activity # 5
Summary C

Instructions:

Using the track feature in Word, edit this summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

Excerpt from a Summary of Witness 1's Statement

Prior History Between the Parties

Witness 1 reported that she and the victim have been best friends since junior high school and are current roommates. She stated that she and her ex-boyfriend, Witness 2, introduced the victim and the accused in the late spring of 2020. (Record, p. 30). She stated that he had a huge crush on her for a long time, but that she was never really into him.

The Formal

Witness 1 recalled that Complainant got really drunk really fast the night of the formal. She stated that she was really surprised because she wasn't drinking more than normal and she has a really high tolerance. She claimed on, "I have never seen [Complainant] like that. Not before and not since. It was scary, actually. I considered calling an ambulance, but since she was vomiting and since we were able to get her to respond, I didn't. Maybe I should have..."

According to Witness 1, shortly after they sat down for dinner Complainant just put her head down on the table and passed out. Witness 1 described Complainant as very drunk and unable to sit on her own or make sense when she was speaking. Witness 1 stated that she went to get help and that when she came back, Taylor had gone to the bathroom. Witness 1 went into the bathroom and found Taylor unconscious on a chair. She stated that she got Drew to assist her in getting Taylor back to the room.

Witness 1 stated that when they got back to the room they put Complainant in the bed and she started puking. Witness 1 stated that Respondent seemed pissed off from the moment Witness 1 asked him to help her get Complainant back to their room. She alleged that when Complainant began vomiting in their bed, Respondent yelled, "What the fuck!" Witness 1 asserted that Respondent was clearly angry. According to Witness 1, she and Respondent started to argue with each other "because he was being an asshole. I told him to go back to the party and that I would take care of her."

Witness 1 reported that she stayed with Complainant in the hotel room for about an hour before going back to the party herself. Witness 1 stated that during that time she did her best to clean up the vomit that had gotten on the bed. She stated that after going back to the party she checked on Complainant a few times.

According to Witness 1, at around two-thirty a.m. she went to check on Complainant and found the room empty. (Record, p. 33). Witness 1 stated that she panicked, "I started to look everywhere for her, the bar, the bonfire, the public bathrooms." Witness 1 described that she sent text messages to Complainant asking her where she was, but did not receive a response.

Witness 1 described that she found the victim "stumbling down a random hallway by herself. She was barefoot and she was tripping over her dress. She seemed a little better, but she was still really drunk." Witness 1 stated that Complainant didn't know where she was. Witness 1 stated that she walked Complainant back to their room, fed her, and put her back to bed. Witness 1 described that Taylor was apologizing, and seemed better, but was still drunk. According to Witness 1, as soon as Complainant lay back down in bed, she immediately passed out. Witness 1 then left the room and didn't return until sometime the next morning.

The Day After the Formal

Witness 1 said that when they got back to the room the next morning, they left right away. Witness 1 denied remembering the ride home. Witness 1 did remember that Complainant was not herself, that she was quiet, and that she abruptly got out of the car when they got home without thanking Drew.

The Events Following the Formal

Witness 1 claimed that in the weeks following the formal, Complainant was not herself. Witness 1 reported that she first learned of Complainant's report against Respondent a few weeks ago. She stated that Complainant came home from Rusty's and that she was upset. She stated that Complainant accused Drew of raping her at the formal and said she was going to report him. Witness 1 described Complainant as angry and upset.

Witness 1 informed investigators that Taylor wouldn't lie about something like this. She described Taylor as honest and not vindictive. Witness 1 also informed us that Drew has a reputation for intentionally getting girls drunk in order to have sex with them.

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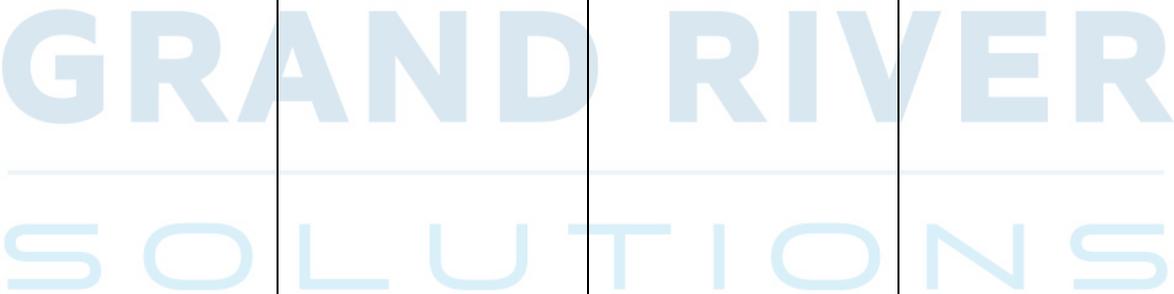
Report Writing Workshop
Break Out Activity # 6

Instructions:

As a group, fill out your analysis grid and make a finding of responsibility.

- First, list the relevant evidence related to each question.
- Second, assess the authenticity, credibility, and reliability of each item of evidence to determine what items of evidence you will rely upon when making and explaining your finding/recommended finding.
- Third, determine the weight you will give to each item of evidence upon which you intend to rely.
- Next, apply the standard of proof and make a finding as to each element of the formal complaint.
- Finally, make a finding of responsibility

The Formal: Analysis Grid

Did Drew engage in sexual intercourse with Taylor?	Was Taylor Incapacitated and therefore incapable of consent?	Did Drew know that Taylor was incapacitated?	Should Drew have known that Taylor was incapacitated?
			
Finding?	Finding?	Finding?	Finding?

Ultimate finding: _____