

Date of Report: August 4, 2017
 Primary Investigator: January Boten
 Secondary Investigators: Rony Die
 Respondent(s): Jordan Jefferson
 Incident No(s): 27443-001-2017

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SUMMARY OF INVESTIGATION

Involved Parties

Complainant: **Taylor Thompson**

- June 15, 2017: Intake meeting with investigators
- June 15, 2017: Emailed statement for review
- June 17, 2017: Replied to statement review
- June 15, 2017: Notified of charge notice/no contact being sent
- July 7, 2017: Was emailed notice that initial investigative report ready for review
- July 21, 2017: Emailed notice that revised report was ready to review

Respondent: **Jordan Jefferson**

- June 15, 2017: Emailed charge notice with no contact
- June 21, 2017: Met with investigators
- June 21, 2017: Emailed statement for review
- June 22, 2017: Replied to statement review
- July 7, 2017: Was emailed notice that initial investigative report ready for review
- July 21, 2017: Emailed notice that revised report was ready to review

Witnesses: **Morgan Myles**

- June 16, 2017: Emailed witness invite
- June 22, 2017: Met with investigators
- June 22, 2017: Emailed statement for review
- June 24, 2017: Replied to statement review

Date of Reported Incident

May 30, 2017

Reports Received From

Complainant

History of Investigation

On June 15, 2017, Taylor Thompson spoke with Dean Boten and Dean Die to report an alleged violation of the Student Code against Jordan Jefferson, where Thompson was the complainant. Molly McLay, Assistant Director of the Women's Resources Center, served as an advisor. During that meeting Thompson named Morgan Myles as a witness in the incident.

Thompson was emailed her statement for review on June 15, 2017. Thompson replied to Dean Boten on June 17, 2017.

Jordan Jefferson was sent a charge notice with a no contact directive on June 15, 2017. Thompson was notified when the notice was sent.

On June 21, 2017, Jefferson met with the investigators. Dean Rony Die served as the secondary investigator.

Jefferson was emailed his statement for review on June 21, 2017. Jefferson replied on June 22, 2017.

On July 7, 2017, Investigators Boten and Die completed their initial investigative report and contacted the complainant and respondent to inform them of this fact and give them until July 14, 2017 to review and respond to that report. A list of members of the Subcommittee on Sexual Misconduct is included on top of the initial investigative report, giving the respondent and complainant the opportunity to challenge the objectivity of anyone on that list based on the existence of a prior relationship that could result in substantial bias.

Thompson reviewed the initial report on July 8, 2017 but did not submit a response. Jefferson reviewed the initial report on July 7, 2017 and also submitted no response.

On July 21, 2017, Dean Boten and Dean Die completed a revised investigative report and contacted the complainant and respondent to inform them of this fact and to give them until July 27, 2017 to review and respond to that report. Jefferson reviewed the revised report on July 25, 2017, and Thompson reviewed the revised report on July 22, 2016. Neither party submitted a final response.

Dean Boten completed the final investigative report with the assistance of the secondary investigator Dean Die; the report included the proposed statement of fact, proposed responsibility determinations, and a written rationale for both. A panel of three members of the Subcommittee on Sexual Misconduct was assembled, Dean Brown was named as the advisor, and the final investigative report was

distributed to this panel. Dean Boten emailed the parties on August 4, 2017 to notify them that August 25, 2017 would be the date of the hearing.

Alleged Violations

For Jordan Jefferson

Violation charge statement from original charge letter: It is alleged that you pulled up another student's shirt in the Red Lion bar and touched her breasts without her consent.

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

1-302(a) Conduct that threatens the health or safety of any person, including but not limited to:
(2) making contact of an insulting or provoking nature

1-302(b) Conduct that violates the University's sexual misconduct policy, including:
(1) sexual assault, as defined by § 1-111(c)(2) of the Student Code

[§ 1-111(c)(2) Sexual assault is any sexual activity that does not involve the knowing consent of each person, including (B) any intentional or knowing touching or fondling by either person, directly or through clothing, of the sex organs, buttocks, or breasts of either person for the purpose of sexual gratification or arousal of either person without consent.]

[§ 1-111(c)(3) Consent is informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A person can withdraw consent at any time. There is no consent when there is force, threats, intimidation, or duress. A person's lack of verbal or physical resistance does not constitute consent. Consent to past sexual activity with another person does not constitute consent to future sexual activity with that person. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if such person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following: (A) the person is incapacitated due to the use or influence of alcohol or drugs; (B) the person is asleep or unconscious; (C) the person is under the legal age to provide consent; or (D) the person has a disability that prevents such person from having the ability or capacity to give consent.]

Standard of Proof

In order to determine that a student has violated the Student Code, the standard of proof required is a preponderance of the information, i.e., the information demonstrates that it is more likely than not that the conduct occurred.

INCIDENT NARRATIVE

The complainant, the respondent, and the sole witness all agree that Jefferson and Thompson were both at the Red Lion during the early morning hours of May 30, 2017 (Appendices B, C, and D).

Thompson said that while she was in the Red Lion, Jefferson came up to her and lifted her shirt and touched her breasts (Appendix B).

Jefferson said that he does not have a clear memory of what happened that night but he does not believe that he lifted Thompson's shirt or that he touched her (Appendix C).

The witness, Myles, said that, although she did not see the interaction between Thompson and Jefferson, Thompson told her about it right away, started crying, dropped her drink, and wanted to leave the bar (Appendix D).

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Appendix A: Incident Description

IR#: 27443-001-2017

Date/Time of Incident: May 30, 2017, 1:30am

Location of Incident: The Red Lion Bar

Additional Info:

Students Involved: Jordan Jefferson

Victims/Complainants: Taylor Thompson

Other Witness(es): Morgan Myles

Police Report #: none

Incident Description

On May 30, 2017, Taylor Thompson was at the Red Lion with her friend Morgan Myles. While she was there, Jordan Jefferson lifted her top and grabbed her breasts.

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Appendix B: Complainant Interview: Taylor Thompson

Meeting Date: June 15, 2017
 Primary Investigator: January Boten
 Secondary Investigator: Rony Die
 Complainant Advisor: Molly McLay, Assistant Director of the Women's Resources Center

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

[Discussed role of investigators, right to an advisor, right to report incident and choose level of participation, right to not say anything, expectation of honesty, retaliation policy, right to a no contact directive, resources on WeCare website, difference from criminal process, why questions about alcohol are asked if it is applicable, right to bring witnesses and supporting information, steps after interview (review notes), interviews of respondent and any witnesses, and compilation of an investigative report for both to review, give feedback, and right to review all reports and appeal.]

January: Do you want us to send Jordan a no contact directive?

Taylor: Yes, that would be okay.

January: Can you start by telling us what happened the night of the incident?

Taylor: Well, it was my friend Morgan's 21st birthday at midnight that night. So, we pregame'd a little bit at my apartment and then we headed over to Red Lion. People kept buying us shots because it was Morgan's birthday. Then we went outside and were talking to some guys that we didn't know and then from out of nowhere this guy that is in one of my classes, Jordan, came up to me and lifted up my shirt and grabbed my boobs. I was so stunned, I didn't know what to do. I told Morgan that I wanted to leave. She was there with me, but she didn't see it happen. She must have been facing the other way. The problem at this point is that we were both pretty drunk and we had a hard time making it out of the bar. Once we did get out of Lion we got an Uber and went back to Morgan's apartment. I think that is it.

January: Can you tell us in a bit more detail about the contact that Jordan had with you?

Taylor: I don't know what to say. It was kind of a blur, but he appeared from out of nowhere it seemed to me and lifted up my shirt, like so anyone around could have seen, and grabbed my boobs and then just started laughing and walked away.

January: Did he touch your body or when he grabbed you was he touching some item of clothing?

Taylor: I had on a bra, but that is hard to say. I guess he was kind of touching my bra and my skin. I don't know, it is just so gross. Who would do that?

January: Did you say anything to Jordan?

Taylor: Not really. I mean I don't know. I probably screamed. I was totally freaked out. Nothing like that has ever happened to me before.

January: Can you tell us about what you were drinking that night?

1 Taylor: Honestly, I don't even know. We were drinking beer when we were pregaming, but then
2 because of Morgan's birthday people we didn't even know were giving us different shots and I don't
3 know what was in them.

4 **January: Do you know how many beers you had and about how many shots?**

5 Taylor: I only had a couple of beers. We were only out for like an hour and a half so maybe 5 shots. I
6 don't really know though. It is hard to tell.

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

8 Taylor: Just that I have no idea why someone would do this. I don't really know him. It wasn't funny at
9 all, so if he comes in here and tries to say he was joking I am going to be mad.

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Appendix C: Respondent Interview: Jordan Jefferson

Meeting Date: June 21, 2017
 Primary Investigator: January Boten
 Secondary Investigator: Rony Die
 Respondent Advisor: none

DISCLAIMER: These notes are not verbatim and should not be read as a transcript of the interview. They constitute our best effort to capture all of the information discussed.

You have the right to have an advisor with you. You are allowed to have anyone you choose. The only rule is that they cannot be a witness in the investigation. Your advisor is here to give you support, guidance and/or advice. Your advisor is not allowed to participate in the dialogue between advisees and the staff from the Office for Student Conflict Resolution.

January: Did you get to review the sections of the code you are being charged with?

Jordan: Can you tell me again what they are?

**Student Code/1-302.b.1 as defined by § 1-111(c)(2)(b)
 Student Code/1.302.a.2**

We serve as neutral investigators and do not make the final decision. We will put together a report that will include the notes from this meeting, the notes from our meeting with the complainant, the notes from any witnesses that either of you would like for us to speak with, and any other evidence that either of you would like included in the report.

We do what we can to maintain privacy of these records, but both you and the complainant will have full access to the report.

The report will then be given to a panel of faculty and students who will make the decision. They will base their decision on a preponderance of the information, which means that given the information that is provided to them is it more likely than not that you did what you are being charged with.

Our role is to collect as much information as possible to give the panel so they can make an informed decision about if you are in violation of the student code or not. You do not have to answer any specific questions. However, if you choose to answer we expect you to be honest, because lying to us is a further policy violation.

You and the complainant both will have the right to appeal the decision of the panel.

We understand some of the questions may be difficult. If you need a break, just let me know.

January: Tell me about what happened the night of May 29, 2017 into May 30 of 2017?

Jordan: I went to Red Lion around 10pm to meet up with some friends. A lot of my friends work there so I was mostly sitting at the bar talking to them throughout the night. I remember seeing Taylor there,

1 but I am totally confused about this accusation. That would just be rude to do what she said. That is
2 just not in my character to behave that way. I am a really good student. I work really hard. Sometimes I
3 drink a little too much, but I really don't think I would have done what she said I did.
4

5 **January: Do you remember interacting with Taylor that night?**
6

7 Jordan: Kinda. It is fuzzy. I remember seeing her come in with some girl I don't know who was wearing
8 a light up crown. I don't even know her that well.
9

10 **January: You mean you don't know Taylor well?**
11

12 Jordan: Yeah. She is in a class with me but we have never hung out or anything. We don't really have
13 friends in common or anything. I don't remember ever seeing her at Red Lion before that day.
14

15 **January: Taylor said that you lifted her shirt and touched her breasts. Did you do that?**
16

17 Jordan: I will be honest. I don't have the clearest picture of that night, but I know myself. I would not
18 do that. That is just not something that is in my character to do. I have great respect for women. I am a
19 good guy.
20

21 **January: Did any of your friends see you interact with Taylor that night?**
22

23 Jordan: I don't want to get anyone else involved in this. I am sure someone else saw me, but I don't
24 know exactly who and I don't want to make anyone else deal with this.

Appendix D: Witness Interview: Morgan Myles

Meeting Date: June 22, 2017

Primary Investigator: January Boten

Secondary Investigator: Rony Die

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January explains the process.

January: Can you tell us what happened on May 30, 2017?

Morgan: Well, that was my 21st birthday. My friend Taylor and I went out to Red Lion. There was a lot going on. She said that some guy from her class came up and grabbed her. I didn't actually see this happen, but one minute she was totally fine and then all of a sudden she was freaking out and wanting to leave the bar. We were both pretty drunk at this point so getting out of there and getting home wasn't the easiest.

January: When you said that Taylor was freaking out, what did you mean by that?

Morgan: She was crying and insisting that we leave right away. Oh and she dropped her drink. I only remember that because I had on a yellow skirt and her pink drink stained it when she dropped it.

January: What did Taylor tell you happened?

Morgan: She said that some creepy guy from one of her classes came up to her from out of the blue and then lifted up her shirt and grabbed her. You know, under her shirt.

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

Morgan: I don't think so.