

Date of Report: 8/18/2019  
 Primary Investigator: Rony Die  
 Secondary Investigators: Kim Soumar  
 Respondent(s): Bob Doe  
 Incident No(s): 12345-001-2019

## TABLE OF CONTENTS

<b>SUMMARY OF INVESTIGATION</b> .....	1
Involved Parties.....	1
Date of Reported Incident .....	2
Reports Received From .....	2
History of Investigation .....	2
Alleged Violations .....	3
For Bob Doe .....	3
Standard of Proof.....	4
<b>INCIDENT NARRATIVE</b> .....	5
<b>Appendix A: Complainant Interview: January Smith</b> .....	6
<b>Appendix B: Respondent Interview: Bob Doe</b> .....	13
<b>Appendix C: Witness Interview: Debra James</b> .....	18

## SUMMARY OF INVESTIGATION

### Involved Parties

#### Complainant: **January Smith**

- June 20, 2019: Intake meeting with investigators
- June 20, 2019: Emailed statement for review
- June 20, 2019: Notified of charge notice/no contact being sent
- July 20, 2019: Emailed notice that the evidence packet was ready for review
- August 3, 2019: Emailed notice that the investigative report was ready for review

#### Respondent: **Bob Doe**

- June 20, 2019: Emailed charge notice
- June 23, 2019: Met with investigators
- June 23, 2019: Emailed statement for review
- July 20, 2019: Emailed notice that the evidence packet was ready for review
- July 21, 2019: Responded to the evidence packet
- August 3, 2019: Emailed notice that the investigative report was ready for review

#### Witnesses: **Debra James**

- June 23, 2019: Emailed witness invite
- June 28, 2019: Met with investigators
- June 28, 2019: Emailed statement for review

**Jake Jagielski**

- June 23, 2019: Called and left message
- June 30, 2019: Called and left message
- July 7, 2019: Called and left message

**Peyton Sawyer**

- June 23, 2019: Called and left message
- June 30, 2019: Called and left message
- July 7, 2019: Called and left message

**Chris Keller**

- June 23, 2019: Emailed witness invite
- June 24, 2019: Called saying he declined to participate

**Karen Davis**

- June 23, 2019: Called and left message
- June 30, 2019: Called and left message
- July 7, 2019: Called and left message

**Date of Reported Incident**

May 4, 2019

**Reports Received From**

Complainant

**History of Investigation**

January Smith spoke with Dean Die and Kim Soumar to report an alleged violation of the Student Code against Bob Doe, with herself as the complainant. The complainant chose to speak with the investigators without an advisor.

The complainant was emailed her statement for review on June 20, 2019. The complainant did not respond to her statement review.

Bob Doe was sent a charge notice on June 20, 2019. The complainant was notified at her meeting with the investigators that the charge notice would be sent that same day.

On June 23, 2019, Bob Doe met with the investigators. Dean Rony Die served as the primary investigator and Kim Soumar served as the secondary investigator.

Bob Doe was emailed his statement for review on June 23, 2019. The respondent did not respond to his statement review.

On June, 23, 2019, investigators reached out to witnesses via email or phone call.

On June 28, 2019, Debra James met with the investigators. Dean Rony Die served as the primary investigator and Kim Soumar served as the secondary investigator. She was emailed her statement for review the same day. James did not provide a response to her statement review.

On July 20, 2019, the investigators completed their investigation and emailed the complainant and respondent to inform them of this fact and give them until August 2, 2019, to review and respond to the evidence packet. Attached to these emails was a list of members of the Subcommittee on Sexual Misconduct and an explanation of their right to challenge the objectivity of anyone on that list based on the existence of conflict of interest (e.g., a prior relationship that may result in bias).

The complainant did not review the evidence packet.

Bob Doe reviewed the evidence packet on July 21, 2019 and submitted a response on that same day.

On August 3, 2019, the investigators completed their investigative report and emailed it to the complainant and the respondent, informing them of their right to provide a written response to that report by 5 p.m. on August 8, 2019. Neither party submitted a written response to the report.

On August 9, 2019, a panel of three members of the Subcommittee on Sexual Misconduct was identified; Dean Brown was named as their advisor; and the evidence packet, any responses, and the investigative report were distributed to this panel.

Dean Die emailed the parties on August 9, 2019, to notify them that a formal hearing had been scheduled on August 24, 2019.

## **Alleged Violations**

### ***For Bob Doe***

*Violation charge statement from original charge letter:* It is alleged that you sexually assaulted January Smith in your bedroom at your apartment on May 4, 2019 by starting to have sex with her while she was unconscious and then continuing to engage in sex with her once she awoke but was unable to consent due to being incapacitated due to alcohol.

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

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

*[§ 1-111(c)(2) Sexual Assault is any sexual conduct that does not involve the knowing consent of each person, including (A) any form of sexual penetration without consent; and (B) any intentional or knowing touching or fondling by either person, directly or through clothing, of the sex organs, buttocks, or breast of the other 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.]

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

### 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**

On May 4, 2019, January Smith and Bob Doe both attended a house party where they drank alcohol throughout the day and into the evening hours. Both agree that this occurred. The respondent says that they both only drank beer (Appendix B). The complainant said that she was drinking beer and then, at some point, switched to drinking a blended drink that contained Crystal Light, vodka, and ice (Appendix A).

The complainant said that she was so drunk that she was unable to walk and was carried out of the party by the respondent (Appendix A). The respondent said that the complainant did not exhibit signs of intoxication but that he carried the complainant over his shoulder and out of the party in a playful manner (Appendix B).

The complainant said that she was under the impression when she left with the respondent that he was dropping her off at her residence hall. Instead, the respondent took the complainant to the respondent's off-campus apartment. The complainant said that the respondent told her she could sleep in his room and that he would sleep on the couch; this was why she agreed to stay at the apartment (Appendix A).

The respondent said that the complainant asked him to sleep in the bed with her and that he agreed to do so after he took a shower (Appendix B).

The complainant said that she woke up to the respondent having sex with her and that she froze and did nothing to participate in sex (Appendix A). She also stated that, while the respondent was having sex with her, his roommates entered the room and began fondling her breasts and kissing her. Then each of his two roommates had sex with her (Appendix A).

The respondent said that, when he got into the bed with the complainant, they started kissing which led eventually to intercourse (Appendix B). The respondent said that his roommates heard the complainant loudly moaning and came in to see what was going on and that the complainant continued to participate in sex while she knew the two roommates were in the room. His two roommates joined in on the sex, and the complainant was fully participating the entire time (Appendix B).

The complainant said that eventually all three men left the room, and she called her suitemate to come get her (Appendix A).

**Appendix A: Complainant Interview: January Smith**

Meeting Date: June 20, 2019

Primary Investigator: Rony Die

Secondary Investigator: Kim Soumar

Complainant Advisor: N/A

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

*Rony explained the following process:*

*The investigators are neutral parties who are gathering information. I am the lead investigator which means I will primarily be asking the questions. Dean Soumar will primarily be taking notes during our conversation, but she may have questions as well. All follow up questions or concerns should come from you, as the complainant, directly and be sent to me.*

*You are allowed to have one advisor. The role of that advisor is to be there to support you. You can talk with your advisor; you can ask to step out of the room to speak with your advisor. You also have the right to ask your advisor to leave at any point in time. Your advisor cannot speak directly to the investigators.*

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

*You have the right to report this incident and choose your level of participation. Once the report is given to us, we will continue the investigation. However, you can choose to stop participating at any point during the process.*

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

*If I ask you a question you don't understand, please let me know that.*

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

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

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

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

*We have a retaliation policy, so if anyone does something to retaliate for reporting to us, I need you to let me know so we can follow up.*

*[Detailed no contact directive option.]*

**Rony: Would you like a no contact directive to be put in place/sent with the charge letter?**

January: Yes.

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

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

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

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

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

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

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

*We may then schedule a hearing before a panel of employees and students. If we do so, you will be invited to participate in that hearing, along with the respondent and any relevant witnesses. Following that hearing and after a thorough examination of the evidence, the report, and any written responses, the panel will decide whether a violation of the policy occurred, and if so, what the sanctions will be.*

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

**Rony: Where would you like to begin?**

January: I don't really know what you are looking for or what you want to know.

**Rony: Okay, let's start with some context questions. How do you know Bob Doe? What was your relationship to him?**

Brooke: Bob is on the men's basketball team. I am on the women's basketball team. When this all happened he was a junior and I was a freshman. Our teams get together a lot for different things like meals and parties and things. We all have kind of the same lifestyle of needing to eat healthy foods and work out and get sleep while at the same time keeping up with school so our teams just kind of hang out together. Well, we did. So, Bob was like a big brother to me. Someone that I for sure thought that I could trust. We had been friends the whole year and nothing even uncomfortable ever had happened with him before.

1 **Rony: How do you know Jake Jagielski? What was your relationship to him?**

2 January: I don't really know him. He was or is Bob's roommate at Latitude apartments. I am pretty sure  
3 he goes to Parkland.

4 **Rony: How do you know Peyton Sawyer? What was your relationship to him?**

5 January: He was Bob's roommate too. He might go to Parkland as well.

6 **Rony: According the information that I was provided from the Title IX Office, you were at a party on  
7 May 4, 2019. Can you tell me what happened at the party?**

8 January: It was not a huge party or anything, but it was at a house on First Street, I am not sure of the  
9 address. It was mostly basketball players, both the guys and the girls and a few of their friends. Since it  
10 was almost the end of the semester and people would be leaving campus soon, people really tried to be  
11 there so it was pretty much everyone from both teams. We started drinking in the afternoon and kept  
12 at it until pretty late. By the time I went to leave I was really drunk.

13 **Rony: What did you have to drink that night?**

14 January: Well, like I said we started in the afternoon drinking beer outside. As it got later we were  
15 making drinks in the blender that were crystal light powder, ice and vodka. I have no idea how strong  
16 those were because they were sweet from the crystal light.<sup>1</sup>

17 **Rony: On a scale from 1-10 where 1 is totally sober and 10 is needing medical attention where would  
18 you have put yourself on that scale that night as you left the party?**

19 January: I probably should have gone to the hospital, honestly. I had to be carried out of there and the  
20 next morning I had the worst headache of my life.

21 **Rony: What else do you remember that would indicate how intoxicated you were or that you needed  
22 to go to the hospital?**

23 January: I could not walk on my own. I was in a good mood, but I was pretty much just laying on a couch  
24 until he picked me up and carried me out to the car.<sup>2</sup>

25 **Rony: Could you describe how you left the party?**

26 January: I left with Bob.

27 **Rony: Where were you intending to go when you left?**

28 January: He told me that he was taking me home. I lived in Bousfield. He also took home his  
29 roommates Jake and Peyton. They all helped to carry me out.

30 **Rony: What exactly led you to believe that he was taking you to Bousfield?**

---

<sup>1</sup> Bob Doe- I never saw anyone drinking anything but beer.

<sup>2</sup> Bob Doe- She is making this seem different than it was. It was totally playful and not because she couldn't walk.



January: I asked him if he could give me a ride home. I meant that to be can you take me to my home. I didn't say anything about wanting to go home with him or wanting to go to his apartment. I said, hey, can you give me a ride home? And he knew I lived in Bousfield.

**Rony: Where did he take you?**

January: They took me back to their apartment, which is in the Latitude apartment complex. Bob had been drinking too, and once we were in the car, he said he didn't want to drive by the dorms because he was afraid he would get pulled over. So he said I could just sleep on their couch.

**Rony: Then what happened?**

January: When we got up to his apartment...actually I should tell you they had to carry me into the building. When we got into the apartment, Bob said I could sleep in his bed and he would sleep on the couch. I thought that was good since I didn't really know his roommates like that and didn't want to be sleeping in their common space. So he carried me into his room, put me in his bed and I fell asleep right away, I was so sleepy. Then I woke up to Bob having sex with me. I was really out of it so I was just laying there while he did this. He was being super loud and aggressive and I couldn't really do anything because he is so much bigger than me so I thought if I just lay there it won't be fun for him and he will stop. Well, the next thing I know Peyton and Jake come into the room. At this point, I am crying because I am scared, but keep in mind I am really too drunk to get up or do anything else. So, Bob keeps having sex with me while the other two are in there watching at first and then the other two start kissing my breasts and my mouth. Eventually Bob stops and then Jake has sex with me and then Peyton. When they are done I am in extreme pain. They all leave the room. I can hear them out in the living room laughing and talking like everything is normal. I call my suitemate Debra James and tell her what happened. She is like you need to call the police and I tell her that I don't want to tell anyone about this. That I know what happens to basketball players. This would ruin my life if I tell, but I ask her to come and get me. So she shows up like 20 minutes later with her boyfriend Chris Keller and they bang on the door until someone answers and they take me home.

**Rony: What did you do while they were having sex with you?**

January: I was literally just laying there.

**Rony: Can you describe what position you were in?**

January: I was on my back. They had my hands over my head and were holding them down.

**Rony: You said that "they" had your hands over your head. Do you know who was holding your hands?**

January: I am not really sure. I just have this flash of a memory of them being over my head and my wrists being very sore the next day.

**Rony: Did anyone say anything during the incident?**

January: They weren't even really talking to me. They were talking to each other, like laughing. I don't remember any specific words that they said.

1 **Rony: You stated that Bob was “being super loud and aggressive.” Can you tell me what you mean by**  
2 **that?**

3 January: He was just moving me all around without really treating me like person. And he was saying  
4 stuff to the other guys but I don’t remember what. I think I tried to block that out.

5 **Rony: Is there anything else you can remember about Bob during the incident?**

6 January: He scared me. I didn’t feel like this was even my friend that I looked up to. I felt like he was  
7 someone else and I didn’t know if he was going to hurt me further. I was too drunk to push back or fight  
8 back, so I just waited for it to be over, only it wasn’t over for a really long time.

9 **Rony: Is there anything else you can remember about Jake during the incident?**

10 January: By this point I was just closing my eyes and praying for it to end. Nothing specific about him  
11 comes to mind.

12 **Rony: Is there anything else you can remember about Peyton during the incident?**

13 January: I don’t think so. I don’t really know these guys other than at/from a distance. I remember that  
14 guys I didn’t know were violating me. That is what I know.

15 **Rony: When you were in the bed, were you clothed?**

16 January: No.

17 **Rony: What happened to your clothes?**

18 January: I think I took them off. They smelled bad from being around people smoking cigarettes earlier  
19 and the smell was keeping me from falling asleep. I don’t remember taking them off, but I remember  
20 the smell bothering me.

21 **Rony: Do you remember anything about Bob’s clothing when you woke up to him having sex with**  
22 **you?**

23 January: No.

24 **Rony: How did things stop?**

25 January: I mean, they just stopped.

26 **Rony: How did you leave?**

27 January: Debra and Chris came into Bob’s room to get me and I walked out with them.

28 **Rony: Were you able to walk out on your own?**

29 January: Not really, Chris was letting me lean on him and helped me walk out.

30 **Rony: You mentioned earlier that you had to be carried into the apartment building. Can you say a**  
31 **little more about that, please?**

1 January: I was too drunk to walk on my own, so Bob scooped me up and carried me inside.<sup>3</sup>

2 **Rony: You also mentioned that you were in extreme pain once they finished. What do you mean by**  
3 **that?**

4 January: My vaginal area felt like it was on fire. I was bleeding that next day. Also my wrists hurt really  
5 bad.

6 **Rony: Did you talk about the pain with anyone?**

7 January: No, that is so embarrassing. I am a virgin, or I guess I was. This is not the kind of thing I would  
8 talk about with anyone.

9 **Rony: Did you tell anyone else about this incident?**

10 January: No, I just told Debra and I guess she told Chris.

11 **Rony: I understand there is a recording of you talking to some friends, can you tell me about that?**

12 January: Debra had me on speaker phone while she was talking to me because as soon as she heard how  
13 upset I was she jumped off of her lofted bed to get ready to come and get me. She put me on speaker  
14 phone so she could listen to me and get ready at the same time. Her and her roommate don't really get  
15 along and her roommate was upset about the noise so she started to record it. When her roommate  
16 realized how serious it was she told me she was sorry she recorded me and wanted me to know that she  
17 had the recording.

18 **Rony: Do you have the recording or is that something you could get?**

19 January: I can ask Debra to get it from her.

20 **Rony: What is her roommate's name?**

21 January: Karen Davis.

22 **Rony: Is there anything you think we should ask Bob?**

23 January: No.

24 **Rony: What do you think he will say about this?**

25 January: He will say that I liked him and that is why this happened.

26 **Rony: Why do you think he will say that?**

27 January: Because I always thought he was gorgeous. Everyone kind of knew that. But I never did  
28 anything to act on that. I am not the kind of girl that he goes for so it was not ever a thing I would do  
29 anything about, but I thought he was cute and had the kind of crush a younger girl has on someone  
30 older that they look up to. Nothing realistic. But yeah, I think that is what he is going to say about it. I  
31 am kind of awkward with guys. I never had sex before this. For sure hooking up with 3 guys in one night  
32 is not something I would ever think to do. I am so embarrassed.

---

<sup>3</sup> Bob Doe- I don't think that is what happened.

- 1 **Rony: Is there anything else you think we should know?**
- 2 January: I don't think so.

**Appendix B: Respondent Interview: Bob Doe**

Date: June 23, 2019

Primary Investigator: Rony Die

Secondary Investigator: Kim Soumar

Advisor: None (declined to reschedule in order to have an advisor present)

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.

*Rony explained the following process:*

*The investigators are neutral parties who are gathering information. I am the lead investigator which means I will primarily be asking the questions. Dean Soumar will primarily be taking notes during our conversation, but she may have questions as well. All follow up questions or concerns should come from you, as the respondent, directly and be sent to me.*

*You are allowed to have one advisor. The role of that advisor is to be there to support you. You can talk with your advisor; you can ask to step out of the room to speak with your advisor. You also have the right to ask your advisor to leave at any point in time. Your advisor cannot speak directly to the investigators.*

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

*You have the right to report this incident and choose your level of participation. Once the report is given to us, we will continue the investigation. However, you can choose to stop participating at any point during the process.*

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

*If I ask you a question you don't understand, please let me know that.*

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

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

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

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

*We have a retaliation policy, so if anyone does something to retaliate towards anyone in the investigation, we want to know so we can follow up.*

*[Discussed no contact directive – sent with charge letter]*

*Our process is different from criminal process in many ways, and one such way is the standard of proof. We use the preponderance of the evidence standard, which means that, in order to find that a violation*

1 occurred, our committee members must conclude, on the basis of the information collected, that it is  
2 more likely than not that the violation occurred.

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

7 You have the right to list witnesses for us to interview and to provide supporting information. Supporting  
8 information could be text messages, photos, hospital notes, or anything else that would help to show  
9 what happened during the situation that we are investigating.

10 After the interview today, I will email you the notes from our conversation. I would ask that you review  
11 those notes and email me back with any corrections or additions that you want to make to those notes.  
12 Both the notes as sent to you and your response will be incorporated into our report. Do not edit the  
13 notes document yourself.

14 Our next step will be to interview any witnesses.

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

17 We will then write an investigative report that fairly summarize the investigation and the evidence. You  
18 will receive an electronic copy of this report and will again have the opportunity to respond to it in  
19 writing.

20 We may then schedule a hearing before a panel of employees and students. If we do so, you will be  
21 invited to participate in that hearing, along with the complainant and any relevant witnesses. Following  
22 that hearing and after a thorough examination of the evidence, the report, and any written responses,  
23 the panel will decide whether a violation of the policy occurred, and if so, what the sanctions will be.

24 Both you and the complainant will have the right to appeal that decision. The decision of the appeal  
25 committee is final.

26 **Rony: Can you tell me how you know January Smith?**

27 Bob: I am friends with her. Well I was. She was on the women's basketball team.

28 **Rony: What happened on May 4, 2019 between you and January?**

29 Bob: We were both day drinking to celebrate the end of the semester. Nothing out of control or  
30 anything, but just hanging out with our friends. At the end of the night she said she wanted to ride  
31 home with me, so I took her home. She was the one that approached me. I didn't say hey, January,  
32 come home with me. She came and initiated the whole thing.

33 **Rony: What do you mean that she "initiated the whole thing"?**

34 Bob: She asked me if she could come home with me.

35 **Rony: Can you tell me how you and January left the party?**

1 Bob: Not like you are thinking. We were goofing around and I scooped her up and put her over my  
2 shoulder and carried her. She was laughing the whole time. It wasn't like I had to carry her or anything.  
3 She and I were playing around.

4 **Rony: How did January get into your apartment?**

5 Bob: She just walked in, I didn't have to carry her or anything if that's what you're asking.

6 **Rony: Why didn't you take January to her residence hall?**

7 Bob: She didn't ask me to. She said, can I go home with you? So, I thought that meant she wanted to  
8 come home with me. Honestly I had been drinking all day so I shouldn't have been driving that night  
9 anyway so I wanted to take the quickest path home. If she had asked me there is no way I would have  
10 gone over by the six pack because that is in the opposite direction of where I live.

11 **Rony: So what happened once you got to your apartment?**

12 Bob: Well we went into the apartment and she was telling me all about how she had liked me ever since  
13 she met me and thought I was so nice for taking her home and she was really coming on to me. She told  
14 me to sleep with her. I told her to go lie down in my bed and I would come in there after I showered. So  
15 that is what I did. She took her own clothes off and was naked in my bed. I got in bed with her and we  
16 kissed and things escalated pretty fast, you know. Before I knew it we were having sex. She was super  
17 into it. I know she is saying she wasn't, but she was. She was being really loud and that is when my  
18 roommates came in. When they came in, I thought she would get mad, but she didn't, she told me not  
19 to stop. I guess she liked them watching so then when they came to join us, she just seemed really into  
20 that too. I can't believe she is saying this isn't what she wanted. She was totally into it that night.

21 **Rony: What was January doing when you got into bed with her?**

22 Bob: She was just laying there when I first got into bed with her, but once I kissed her she kissed me  
23 back.

24 **Rony: Was she awake when you got into bed with her?**

25 Bob: She might have drifted off while I was showering, but she for sure was kissing me. I am sure she  
26 was awake.

27 **Rony: What position were you in during the sex?**

28 Bob: Just basic missionary. Nothing weird or out there.

29 **Rony: Did the position change at any point, including when your roommates joined in?**

30 Bob: No, not really. All of us had sex with her in that position. She seemed to be liking it like that so we  
31 didn't need to change it up.

32 **Rony: What did she do to show that she was consenting to sexual activity?**

33 Bob: She got into my bed. She took off all of her clothes. She told me to get in bed with her. She told me  
34 she liked me. She started kissing me when I got into bed with her, keep in mind I was already naked  
35 from coming in after my shower. All signs were pointing to this happening.

1 **Rony: What was January doing with her hands while you were having sex?**

2 Bob: I don't remember her hands.

3 **Rony: You mentioned that you had just showered and that January had taken off her own clothes.**  
4 **What specifically were you and January wearing when you began to have sex?**

5 Bob: Nothing.

6 **Rony: You said that during the sex she was loud. What was she saying?**

7 Bob: Nothing specific. Just generally moaning and I guess kind of yelling, but I don't remember words  
8 she was saying.

9 **Rony: Do you remember anyone else saying anything at all during the sexual encounter?**

10 Bob: Peyton and Jake were saying how cool it was we were doing this, but I don't remember exact  
11 phases or anything.

12 **Rony: How did your roommates end up participating?**

13 Bob: They just kind of jumped in when she still seemed into it after they were watching for awhile. At  
14 no point was she saying stop or get out or anything like that. She just kept moaning and yelling like she  
15 was into it. I can't believe she is trying to paint us like bad guys. That night she was the one who wanted  
16 everything that happened to her.

17 **Rony: How did all of this stop?**

18 Bob: I guess everyone just was finished. I decided to just go out and sleep on the couch afterward  
19 because I felt weird sleeping in my bed with her.

20 **Rony: Can you tell me about what everyone had been drinking prior to this incident?**

21 Bob: I don't know about Jake and Peyton. I wasn't hanging out with them all day. January had been day  
22 drinking like I was, but I am sure she was pretty much sober by the time she got to my place. We were  
23 drinking beer. Well, I know I was drinking beer. I wasn't really paying that much attention to her while  
24 we were over at the house. Most people were drinking beer though.

25 **Rony: If you could rate both you and January on a scale from 1-10 where 1 is totally sober and 10 is**  
26 **needing to go to the hospital where would you rate each of you at the time you left the party?**

27 Bob: I was probably like a 4. She was real giggly so maybe like a 6, but for sure not worse than that. She  
28 knew what was going on.

29 **Rony: Why would you rate yourself a 4, exactly?**

30 Bob: Well, I was a little bit buzzed, but I was fine. I drove us back without a problem. But I remember  
31 everything very clearly that is why I know that what she is claiming is just not the way it happened.

32 **Rony: Besides being giggly, what was it about January's appearance or behavior that led you to rate**  
33 **her a 6?**



1 Bob: She is normally kind of shy and she was not at all that night. She was really outgoing and chatty.  
2 She was being fun for once.

3 **Rony: Tell me how January ended up leaving?**

4 Bob: She must have called her roommate to come and get her. Her roommate's boyfriend was being  
5 kind of a jerk when they got to our apartment. I don't know what was up with him. He was being real  
6 aggressive. If there is someone you should be worried about it should be that guy to be honest. Anyway  
7 they showed up and she left with them. There isn't really much more to that I guess.

8 **Rony: Is there anything else you think I should know?**

9 Bob: Yeah, I think she is just mad that I am not wanting to be her boyfriend and that is why she is telling  
10 this crazy story now after all this time. It isn't like she reported this to anyone right after it happened.  
11 That is what someone who was really assaulted would do. I swear to you that she was into it all.

12 **Rony: Why do you think that January wants you to be her boyfriend?**

13 Bob: I knew she had a crush on me before all of this.

**Appendix C: Witness Interview: Debra James**

Date: June 28, 2019

Primary Investigator: Rony Die

Secondary Investigator: Kim Soumar

*Rony explains the process, expectation of honesty, who will see the report, retaliation policy.*

**Rony: How do you know January Smith?**

Debra: She lived in my suite in Bousfield. We weren't in the same room, but we shared a bathroom and were right next to each other. We are pretty good friends given that.

**Rony: How do you know Bob Doe?**

Debra: I don't really know him. I obviously know of him because he is a star basketball player. He is on billboards. He is kind of a campus celebrity, so I would obviously recognize him, but other than the morning I went to get January, I had never interacted with him at all. I don't think he knows me.

**Rony: Tell me about that morning. What happened?**

Debra: It was early for a Saturday, like 5 a.m. and my phone kept ringing until I finally answered it. I think she called me a few times before I realized what was going on. Anyway, when I answered January was crying and saying that she was at Latitude and needed to be picked up. When I say she was crying, she was sobbing hysterically and I couldn't get much else out of her. I put her on speaker phone while I got dressed and I was trying to calm her down to find out what happened. Eventually she said that she had been raped and was hiding in the guy's room and was scared to come out of the room by herself because she doesn't know what he will do to her. This scared me so then I called my boyfriend and told him what I knew and had him come with me to go and pick her up because honestly I didn't know what I would be walking into. So Chris and I went to the apartment and knocked and when no one came to the door right away he, Chris, started banging really hard and told them to open the door or he was calling the police. So Bob answers the door and he is calm and smiling and saying there is no need to freak out. I was like where is January and he pointed at a door. I went straight to the door and told January through the door I was there. We went into the room and she could barely walk, so Chris helped her. On our way out she didn't look at anyone or say anything and we left. As soon as we got in the car she started crying to the point she couldn't really talk. I told her to breathe and calm down. We took her back to Bousfield. She said that her head was hurting a lot so I went and got her PowerAde from 57 to help. She was sick and throwing up in our bathroom most of the day. I asked her if she wanted to go to the hospital and she said that she didn't want anyone to know about this. That no one would believe her because Bob is a star on this campus.

**Rony: Did she tell you about the details about what happened?**

Debra: No, but I know it was bad because she had bruises all up and down her arms. I saw that when I came to check on her in the bathroom. But after that she kept herself completely covered up so she might not know that I know that.

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

1 Debra: She is just not the same person. She walks around with glazed over eyes. She was a really  
2 devoted student before all of this and all of finals week she just slept other than when she had to leave  
3 for an exam. She didn't go to the library. She barely left the room until she moved out. Oh one other  
4 thing. My actual roommate recorded my conversation that morning with January. She was mad that I  
5 was being so loud so she recorded it to complain about me, but then when she realized what was going  
6 on she told us she did that and apologized. She isn't really close with me or January though.

7 **Rony: What is your roommate's name?**

8 Debra: Karen Davis.

9 **Rony: Is that something you think you could get from your roommate?**

10 Debra: I can ask/try. But she doesn't really like me so I don't know that she would give it to me.