

Response Memorandum to M. Mayer's Appeal

Prepared by [REDACTED] Title IX Investigator

On Thursday, April 30th Kevin [REDACTED] was found responsible for 5.05 Sexual Misconduct and not responsible for 7.01 Dating/Domestic Violence-Emotional/Verbal Abuse. As a result, Kevin was suspended for one academic year (15-16) following the completion of the current semester.

On Wednesday, May 13th Margot Mayer submitted an appeal letter on the following grounds with substantiation:

- 1) The sanction(s) imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the college. (Student Handbook, p. 176)
 - a. Consideration of prior student conduct history in determination of sanctioning. Margot claims that Kevin has been previously suspended for alcohol/drug-related reasons and this should have impacted sanctioning.
 - b. Adjudicator failed to probe for specific information (see Appeal Letter, p. 3).
 - c. Failure to thoroughly review medical documentation of Margot's Bipolar 1 Disorder.
 - d. Several allegations of Kevin's violation of the Do Not Contact expectation (see Appeal Letter, p. 4).
- 2) New evidence, unavailable at the time of the original hearing or investigation, that could substantially impact the original finding or sanction. (Student Handbook, p. 176)
 - a. "Multiple witnesses, who were unavailable prior to the hearing, have come forward to express their dissatisfaction with the sanction imposed against Kevin. These witnesses have also come forward to express their disgust with how Kevin treated me, as well as their personal experiences with Kevin, some of which are similar to mine." (M. Mayer Appeal Letter, p. 2)
 - b. On p. 4-5 Margot lists several individuals who might be able to offer information about his drinking/substance abuse and/or his "interactions with women," or the impact of Kevin's presence on Margot.
 - c. On p. 6-7 Margot lists several individuals who might be able to offer information about the alleged dating/domestic violence-emotional/verbal. In particular Margot names [REDACTED] as a witness that was not properly contacted as a "procedural error."

As a representative of the College and as the investigator of the case I would like to share the following responses:

- 1) The sanction(s) imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the college. (Student Handbook, p. 176)
 - a. The adjudicator received all information about prior student conduct history for consideration during sanctioning.
 - b. Relevant information related specifically to the incident(s) in the case was presented in the final investigative report for the adjudicator's consideration. Only facts related to the specific allegations are included in the investigative summary for determination of responsibility. The adjudicator did find Kevin responsible for the sexual misconduct allegation given the facts that were presented.
 - c. Relevant information related specifically to the alleged misconduct was presented in the final investigative report for the adjudicator's consideration.
 - d. Alleged violations of the DNC post-hearing should be processed and heard as a separate violation of the DNC and/or as retaliation and not included in this appeal of the original decision. The impact of seeing Kevin on campus after the hearing is significant and could have been remedied if the sanction of suspension had been imposed immediately (on p. 175 of the Student Handbook: "sanctions will take effect immediately.")
 - e. According to the Sanction Statement on p. 118 of the Student Handbook: "Any student found responsible for violating the Sexual Misconduct Policy for non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension or expulsion, and taking into account any concurrent or previous college regulations violations." The sanction package falls within the College's sanctioning parameters.

- 2) New evidence, unavailable at the time of the original hearing or investigation, that could substantially impact the original finding or sanction. (Student Handbook, p. 176)
 - a. General dissatisfaction with the outcome of the hearing is not grounds for appeal. Margot suggests that others may have information about their own personal experiences with Kevin; however, those do not appear to be directly related to the specific incident(s) in the case. Unrelated, but "similar" experiences that have not been formally reported to the College and would not have been considered.
 - b. The "new" information does not appear to meet the criteria of "unavailable during original hearing/investigation," because the witnesses/information was available, just not provided by the complainant. The information Margot suggests these individuals might offer is not specifically related to the alleged incident(s), and may not substantially impact the original finding/sanction.

- c. The “new” information does not appear to meet the criteria of “unavailable during original hearing/investigation,” because the witnesses/information was available, just not provided by the complainant. The investigators outreached to [REDACTED] several times (14 emails) and had scheduled two meetings—one in which [REDACTED] failed to show and the other she cancelled because she was sick. The last communication sent to [REDACTED] on March 30th never received a response.

In conclusion, it does not appear that Margot Mayer has substantial grounds for appeal.