

Case Number: [REDACTED]

Complainant: Margot Mayer

Respondent: Kevin [REDACTED]

PETITION FOR APPEAL OF TITLE IX HEARING FINDING

I, Margot Mayer, petition Vassar College for an appeal of (1) the May 5, 2015 Title IX finding holding Kevin [REDACTED] ("Kevin") not responsible for violating Section 7.01, Dating Violence and Abuse -- Emotional/Verbal Abuse, of Vassar's College Regulations on student conduct; and (2) the sanctions imposed in connection with the May 5, 2015 Title IX finding holding Kevin responsible for violating Section 5.05, Discrimination and Harassment -- Sexual Misconduct.

On February 7, 2015, I filed an initial report against Kevin for Dating Violence and Sexual Misconduct. On February 17, Vassar opened a formal Title IX investigation in connection with the charges brought against Kevin. On February 7, 2015, a no-contact order was put in place as a result of Kevin's repeated, but unwelcome, encounters with me on campus. On March 15, 2015, Julian Williams presented me with a settlement offer from Kevin and his attorney, in which Kevin agreed to leave Vassar in return for my charges being dropped against him. I did not accept this settlement offer.

Upon completion of the Title IX investigation, a hearing was held on April 30, 2015, before the adjudicator, [REDACTED], to hear charges that Kevin might be in violation of Sections 5.05 and 7.01. On May 5, 2015, I received a letter from Julian Williams, accompanied by [REDACTED]. [REDACTED]'s post-hearing determination, finding Kevin responsible for sexual misconduct under Section 5.05, but not responsible for emotional/verbal abuse under Section 7.01. The

letter also provided that Kevin would be allowed to complete the current semester, but would be suspended from Vassar for the Fall 2015 through Spring 2016 academic year.

Since the Title IX hearing, multiple witnesses, who were unavailable prior to the hearing, have come forward to express their dissatisfaction with the sanctions 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.

Based on the new information that is now available from these witnesses, I appeal Vassar's determination that Kevin is not responsible for emotional/verbal abuse in violation of Section 7.01. Additionally, I appeal the sanctions imposed against Kevin for violating Section 5.05, Sexual Misconduct, based on procedural error as well as this new information. Below, please find an outline detailing the bases for my appeal:

I. Suspending Kevin for One Academic Year and Allowing Kevin to Complete the Current Semester Constitutes Inadequate and Improper Sanctions Due to Procedural Error and Events That Have Transpired Since the Hearing, Placing Myself and Other Women in Immediate Danger.

A. Kevin has previously been suspended for drug/alcohol related issues, but this was not considered by Vassar in its investigation of my charges, it was not raised by Vassar during the Title IX hearing, nor was it considered when imposing sanctions against Kevin.

In both of the instances of Sexual Assault and Nonconsensual Sexual Intercourse alcohol was involved; this points to a necessity for probing into Kevin's relationship with substances. Furthermore, this information was available to the school both at the time of the hearing as well as when the administration made their sanctions. In the past, the school required him to get mandated therapy and rehabilitation prior to returning to Vassar. The school was aware of his past history and did not adequately ensure that he was prepared to come back and be a productive member of the Vassar community. Since the time of his return, he has been found responsible for two counts of Sexual Misconduct. Yet, with these violations he has less stringent sanctions and is required to do no counseling or rehabilitation before entering the community.

B. The adjudicator failed to adequately probe Kevin during the hearing regarding:

- The events leading up to the night of the rape
- Kevin's past substance abuse of drug and alcohol
- Kevin's state of intoxication on January 19, 2013
- Kevin's current relationship with drugs and alcohol
- Kevin's sexual and romantic histories with other women

C. The adjudicator and other members of the committee failed to thoroughly review the submitted medical files and text records between the respondent and complainant. This resulted in the allowance of Kevin [REDACTED] to remain on campus until the end of the semester. This decision was made in despite the fact that I have a registered medical disability of Bipolar I Disorder that is directly affected by Kevin's presence on campus. Furthermore, my testimony was not taken seriously when I referred to my PTSD from the abuse and assault. I

explained how I have panic attacks every time I see Kevin and how I have had to increase my medications in order to function.

D. Since the hearing, Kevin has continually come into contact with me on campus.

Timeline

5/5/15 Margot saw Kevin today, while with Tim from Security, Margot has a panic attack

5/6/15 Saw Kevin in Retreat, was forced to leave in fear, calls [REDACTED] to meet her outside because she is afraid

5/7/15 Saw Kevin on Raymond Ave, hid from him, and got security to escort her

5/9/15 Kevin sneaks into Founder's Day. He is hauled out by Sergeant [REDACTED] and is suspended and banned from campus immediately.

5/10/15 Kevin and Margot come into contact at BBC, he is with his mother, [REDACTED], [REDACTED] and him make eye contact and Kevin chooses to come into the restaurant anyway and then when he is told there are no tables he walks out and has eye contact with Margot. She has a panic attack and runs inside.

1. James Landreth; former housemate of Kevin [REDACTED], 2013-2014, can speak to Kevin's drinking and substance problems as well as his interactions with women. *See attached.*
2. [REDACTED] former housemate of Kevin [REDACTED], 2013-2014, can speak to Kevin's inability to respect communal spaces, his drinking and substance abuse, and her own personal experiences with him. *See attached.*
3. [REDACTED], former hookup of Kevin's who can testify to his treatment of woman, pattern of grooming, and his aggressive sexual behaviors, her experience speaks to a larger pattern of his behavior. *See attached.*

4. [REDACTED] friend of Margot's since freshman year as well as Vice member with Kevin [REDACTED] since freshman year, can speak to Kevin's relationship with alcohol as well as Kevin's behavior towards Margot during and after the trial commenced. *See attached.*
5. [REDACTED], friend of Kevin [REDACTED] since 2012, witness to his drinking and concerning behavior, former housemate of his from this year. *See attached.*
6. [REDACTED] statement is pertinent because of the events she witnessed during the trial and afterwards regarding Kevin's disregard for the rules set by Vassar College. *See attached.*
7. [REDACTED], housemate of Margot's this year, witness to the effect Kevin has had on Margot throughout the process as well as the times he has broken the no-contact order, dealt with security when Kevin snuck into Founder's Day although banned from all campus events. *See attached.*
8. [REDACTED], ex girlfriend of [REDACTED] who spent a lot of time with Kevin during that time period, can attest to his obsessive drinking. *See attached.*
9. Professor [REDACTED], current independent project supervisor of Margot's throughout the semester, can attest to the effect on Margot's academic life and its effect on her as an educator. *See attached.*

F. The year-long suspension is inadequate and improper considering (1) Kevin's prior suspension due to drug/alcohol related issues, and/or (2) in light of new evidence of Kevin's failure to comply with any and all of the sanctions imposed on him by Vassar College throughout this process. This includes: failure to abide by the no contact order, failure to comply with his ban from the THs (check with Security for multiple official reports of his noncompliance), failure to abide by his ban from campus activities, and furthermore his entire

disregard and lack of remorse for his actions, as evidenced by an incident off campus on May 10th. The following security members may be contacted for further details about the incidents:

1. Sergeant [REDACTED]
2. Officer [REDACTED]
3. [REDACTED]

II. New Evidence Has Come to Light Substantially Impacts Vassar's Determination Finding Kevin Not Responsible for Violating Section 7.01.

Below is a list of these witnesses and the topics of their statements and any potential testimony. They have each submitted statements and are willing to testify to the charge of Section 7.01. I have attached each of their statements to this Petition.

1. [REDACTED] friend of Margot's since freshman year, will speak to my withdrawal from multiple friendships as well as the community and field hockey team. She witnessed much of the dating abuse and its physical and psychological effects on myself and our friendship. She has multiple conversations and text messages on file recording the pattern of abuse throughout our relationship. *See attached.*
2. [REDACTED] friend of mine since freshman year, will speak to the nature of Margot and Kevin's relationship, her experiences with Kevin, the effect of his presence on the community. *See attached*
3. [REDACTED] friend of mine since freshman year who witnessed the escalation of abuse in Margot and Kevin's relationship as well as the toll that his alcoholism and substance abuse took on Margot's psychological and physical health. Speaks to Margot's withdrawal from friendship as a direct result of Margot's relationship with Kevin. *See attached.*

4. [REDACTED] one of Margot's closest friends from freshman year who witnessed the psychological and emotional outcome of Kevin's abuse. Can speak to the effect on the community and the dissolution of friendship between Margot and himself as a direct result of Kevin's abusive behavior. He was not available to testify previously because he was out of the country in Madrid for the semester. *See attached.*
5. [REDACTED], friend of Kevin, [REDACTED], and Margot's from freshman and sophomore year, witness to Kevin's abusive treatment of Margot as well as his excessive drinking. *See attached.*
6. [REDACTED], friend of Margot's since sophomore year who witnessed the pattern of manipulation and abuse of Margot and Kevin's relationship sophomore year. She was supposed to be a witness in the original hearing but the school failed to follow up with her, a large procedural error, which affected the dissemination of information in the hearing. *See attached*
7. [REDACTED], former hookup of Kevin's during the time when we were seeing one another, can attest to his treatment of women and disregard for the relationship he had between himself and Margot. *See attached.*

Multiple witnesses have approached me since the Title IX hearing, wanting to tell their stories about Kevin – both personal and about my relationship with Kevin. These witnesses were unavailable prior to and at the time of the hearing. Some of these witnesses were unaware of the Title IX case and were not in a position to add their stories. When it came to appeal, I reached out to friends I had lost from my relationship with Kevin, and discovered new relevant information. One of the witnesses, [REDACTED], was out of the country and was not available to testify. [REDACTED] was intended to be a witness but the school failed to follow up with

her, respond to her emails, and schedule her interview. The remaining witnesses were people that I did not know prior to the trial or were not close with. Consequently, the information they had regarding the aforementioned events was not known to me.

III. CONCLUSION

The goal of this appeal is to seek the sanction of expulsion of Kevin [REDACTED] from Vassar College. If that is not within the college's capacity then let it be known that Kevin [REDACTED] should not return to campus without mandated rehabilitation and counseling as well as on-going therapy throughout the time of his return. Mistakes were made by the institution in the trial that directly affected the outcome of the trial. Kevin's past substance abuse and behavioral record were not fully considered to the degree to which his ongoing issues had a direct role in our abusive relationship and sexual assaults. Kevin's antagonistic and delinquent behavior throughout the trial shows that he does not respect the school and certainly does not respect myself or my safety.

After the trial concluded, I was forced to see him on a daily basis, which caused me to have panic attacks with every single encounter. Kevin's remaining on campus has created a hostile environment for myself as well as my friends, housemates, and the larger community to which he has done harm. Vassar College found Kevin to be a rapist and a sexual assailant yet Vassar perpetuated my trauma by forcing me to remain in a space with my abuser. As someone with a registered disability of Bipolar 1 Disorder, the school knowingly put myself in a position to be triggered into states of mania and depression as a direct result of Kevin's presence.

When the sanctions of the case were decided by Vassar College, they decreed him to be a rapist. Vassar College found that Kevin was my rapist but that his crime against me did

not matter. My body and the other female bodies on this campus that he has caused physical and psychological harm, have less value than his. His rights are more important than mine. His safety is more important than mine. Vassar College is failing its women. You have failed me. This is your opportunity to rectify that and tell every woman on campus that she deserves to be safe and pursue her education in peace.

For all the foregoing reasons, I submit this Petition for an Appeal to Vassar College this 13th day of May, 2015.

A handwritten signature in black ink, reading "Maureen A. Murphy". The signature is written in a cursive style with a large, prominent initial 'M'.