

VASSAR COLLEGE

OFFICE OF EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

May 5, 2015

Margot Mayer
Sent electronically to [email redacted]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [case number redacted]

A Title IX hearing was held on April 30, 2015, to hear charges that Kevin [redacted] might be in violation of the following College Regulations:

1. Discrimination and Harassment - Sexual Misconduct (Section 5.05)
2. Dating/Domestic Violence - Emotional/Verbal abuse (Section 7.01)

After careful consideration of the available information, the findings of the adjudicative body are as follows:

1. Discrimination and Harassment - Sexual Misconduct (Section 5.05) -- Responsible
2. Dating/Domestic Violence - Emotional/Verbal abuse (Section 7.01) -- Not Responsible

Given these violations and after careful consideration of the investigative report and adjudicator's written decision, the college has decided upon the following sanctions:

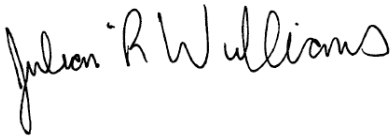
After completion of the current semester, Mr. [redacted] is suspended from the College for one year beginning Fall 2015 through Spring 2016.

Please be advised that the previously instituted no-contact order will remain in place.

If you wish to appeal this decision, you may contact Christopher Roellke, Dean of the College. Letters of appeal must be filed within 5 days of the receipt of this letter: detailed rules and procedures of the Title IX Appeals Committee are available in the College Regulations, which can be found on line.

Please understand that this sanction goes into effect immediately, even if you are planning to appeal.

Please feel free to contact me with any questions.



Julian Williams
Director of Equal Opportunity/Title IX

To: Margot Mayer (Complainant)
Kevin [redacted]
(Respondent)

From: Vassar College

Date: May 5, 2015

Re: Title IX Post-Hearing Determination

I have been retained by Vassar College to serve as the external adjudicator in this sexual misconduct case. I have been asked to conduct this disciplinary hearing and after review of the evidence presented, make a determination based on a preponderance of the evidence as to whether a violation of Vassar's student conduct policies has occurred. A hearing was held on April 30, 2015 to address the charges.

The Respondent was charged in this matter with violations of Section 5.05 and Section 7.0 I of the College 's Regulations on student conduct contained in the Student Hand book. Section 5.05 deals with Sexual Misconduct related to alleged incidents of non-consensual sexual contact and Section 7.0 I deals with Dating/Domestic Violence, Emotional/Verbal Abuse, dealing with allegations of Respondent's verbal abuse by name-calling, and damaging relationships with friends.

Julian Williams, Title IX Coordinator, Luis Iona, Assistant Dean and Director of Residential Life, and [redacted] Assistant Director of Residential I Life, were present at the hearing. The Respondent appeared in person at the hearing with his support person, Keenan*. The Complainant appeared with her support person, Bella*. Complainant, without objection from the Respondent, al so had her attorney on the phone that listened to the proceedings but did not comment or actively participate in the hearing in any way. Complainant also presented three witnesses who appeared at the hearing: Lilly*, Bella*, and Kevin 's support person, Keenan*. All parties, including the attorney, Natalie [redacted], Esq., confirmed that they were not recording the hearing and that they would abide by the rules of strict confidentiality. The Complainant and the Respondent made statements at the hearing, as did the witnesses. Ms. [redacted] presented the investigation findings. Questions were posed to Ms. [redacted], the parties, and the witnesses.

The Complainant alleges two separate incidents of sexual assault during her freshman year, one in November, 2012 and one in January, 2013. She did not make a complaint until February 9, 2015, during her junior year. This complaint was made to Julian Williams, Vassar's Title IX Coordinator, and resulted in the investigation by [redacted].

The complaint, in sum, is that in November, 2012, the Respondent continued an attempt to digitally penetrate the Complainant without her consent and despite her holding his hand away from her. She alleges also that on January 19, 2013, he had sexual intercourse with her by pinning her down and despite her protestations that they could have sex the following night. Respondent does not recall either of these instances of sexual activity and maintains that they had many nights of consensual sex subsequent to these incidents. Complainant does not disagree with his claim of subsequent consensual sex.

The complaint regarding Section 7.01 centers around claims that the Respondent manipulated and verbally abused the Complainant while they were dating by persistently directing hurtful comments toward the Complainant, attempting to damage her relationships with friends, and by making promises to be there for her, which he broke.

While I am concerned about the nature of their relationship, I find that Respondent's ability to help and support the Complainant to any degree was compromised by his own personal problems and his comments do not rise to a violation of Section 7.01. Accordingly, I find that the charge of a Section 7.01 violation is not supported by a preponderance of the evidence. However, with respect to the charge of a Section 5.05 violation, I do find by a preponderance of the evidence that Respondent engaged in two acts of sexual contact without the consent of the Complainant, the first by touching the Complainant's genital area and attempting digital penetration, and the second by continuing sexual intercourse with the Complainant after Complainant's consent, which was originally given, was later withdrawn. I find the Complainant's statements regarding the alleged non-consensual sexual contact to be credible; further, the Respondent, though he participated in the hearing, did not deny the allegations at the hearing.

Accordingly, I recommend that the Respondent be suspended for one year beginning in the Fall of 2015. While I recommend that the Respondent be allowed to complete the current semester, the no-contact order between the parties should remain in place.

[Signature redacted]

Margot's Note: In this letter, the adjudicator refers to how my consent was withdrawn, this is an error because my consent was neither asked for nor given. Since I never gave my consent and so was never in a place to withdraw it.