

[REDACTED]

From: Margot Mayer [REDACTED] >
Sent: Saturday, July 11, 2015 6:54 PM
To: [REDACTED]
Subject: Fwd: Final investigative report

----- Forwarded message -----

From: [REDACTED]
Date: Thursday, April 23, 2015
Subject: Final investigative report
To: Julian Williams <julwilliams@vassar.edu>
Cc: [REDACTED] Margot Mayer [REDACTED]

Julian,

Thank you for informing [REDACTED] of the no contact order.

As for our request to see an “attorney’s eyes only” copy of the investigative report, we find it highly unreasonable and unfair that Vassar refuses to send a copy of the report. As Ms. Mayer’s attorneys, we are obligated to provide her with competent and sound legal advice in connection with her Title IX complaint and upcoming hearing. Reviewing the final report, which the Title IX hearing panel uses to reach its final decision, is necessary for us to provide such counsel to Ms. Mayer. Vassar’s “practice” of not sending electronic copies to Title IX parties’ attorneys thus unnecessarily hinders our ability to adequately counsel Ms. Mayer, as it forces Ms. Mayer and her attorneys to expend an unnecessary and unreasonable amount time and expenses to travel to New York from [REDACTED], in order to view a report which can easily be submitted to us on an “attorney’s eyes only” basis. I would ask that, at the very least, you promptly provide us with an adequate explanation for such an unreasonable practice.

Finally, the Title IX procedural guide that you sent me last week provides that each party to the Title IX hearing may have an “advisor” at the hearing to assist him or her during the hearing. In order to ensure complete fairness, and in light of the fact that we do not know whether [REDACTED] is going to be accompanied by his attorney(s) at the hearing, as the College apparently does not “inquire into . . . who [students] plan on [sic] bringing with them to the hearing,” we ask that the College at least make appropriate arrangements so that we, as Margot’s counsel, have the ability to appear at the hearing remotely – either by telephone, Skype, or some other means – such that we are able to counsel Margot throughout the hearing.

Thank you,

[REDACTED]

From: Julian Williams [mailto:julwilliams@vassar.edu]
Sent: Friday, April 17, 2015 2:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Final investigative report

[REDACTED]

I have spoken with [REDACTED] regarding the no contact directive. If Margot is concerned about her safety at any point, she is encouraged to contact Vassar Safety and Security who will respond immediately.

Regarding [REDACTED] request for an "attorney's eyes only" copy of the investigative report we are unfortunately unable to provide this. She can come out to the College a few days ahead of the hearing to review it in person. It is the College's practice not to send electronic copies to lawyers.

Julian R. Williams
Director of Equal Opportunity/Title IX Officer

VASSAR COLLEGE
Box 164- 124 Raymond Avenue

Poughkeepsie, NY 12604

Phone: 845.437.7584

Web:

<http://eoaa.vassar.edu/>

On Thu, Apr 16, 2015 at 3:39 PM, [REDACTED] wrote:

Julian,

Have you had a chance to speak to [REDACTED]?

Margot is very concerned about her safety so this matter should not be taken lightly.

[REDACTED]

From: Julian Williams [mailto:julwilliams@vassar.edu]

Sent: Thursday, April 16, 2015 12:35 PM

To: [REDACTED]

Subject: Re: Final investigative report

[REDACTED]

I will be speaking with [REDACTED] I very strongly advise against reaching out to him directly.

For your reference, please be advised that the no-contact order prohibits any contact, either directly or indirectly, in any form; in person, telephone, cell phone, electronically through email or social media, or through a third party.

Julian R. Williams

Director of Equal Opportunity/Title IX Officer

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On Thu, Apr 16, 2015 at 9:52 AM, [REDACTED] wrote:

Julian, Have you reminded Kevin of his obligations under the no contact policy? Do we need to contact Kevin or his lawyer?

From: Julian Williams <julwilliams@vassar.edu>

Sent: Thursday, April 16, 2015 8:42:32 AM

[REDACTED]
Cc: Margot Mayer; [REDACTED]

Subject: Re: Final investigative report

[REDACTED]

Yes Margot may bring something to take notes with.

Regarding the e-mailing of an "attorney's eyes only" copy of the report, I will have to confer with the college's legal counsel on whether this is possible. Typically we do not transmit copies of the investigative report to any of the parties or their representatives.

On the hearing procedures, the attached Title IX adjudication procedural guide outlines the procedures the hearing will operate under.

Julian R. Williams

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On Wed, Apr 15, 2015 at 4:40 PM, [REDACTED] wrote:
[REDACTED]
Julian,

I assume that Margot can bring something to take notes during the meeting, correct? Also, while I understand that the individual parties cannot view the report outside the EOAA office, would it be possible to send me a PDF of the report? Maybe we can discuss potentially designating such a copy as "Attorney's Eyes Only," if your office is concerned about confidentiality issues.

Additionally, I would like to get a better sense of the procedure followed during the Title IX hearing in order to properly prepare Margot. If you have some documentation on this topic, please send it to me. Otherwise, I think a phone call may be necessary to discuss further.

Finally, you mentioned that you expect the hearing to take place on April 30. Based on my calculation, that is 58 business days from the date Vassar was put on notice of Ms. Mayer's allegations on February 9. Please let me know if you have calculated differently. Otherwise, we are running very close to the 60-day time frame within which a decision has to be issued, and I would just like to make you aware that we are taking this time frame very seriously.

Thank you,

[REDACTED]

From: Julian Williams [mailto:julwilliams@vassar.edu<mailto:julwilliams@vassar.edu>]
Sent: Wednesday, April 15, 2015 10:29 AM
To: Margot Mayer
Cc: [REDACTED]
Subject: Re: Final investigative report

Margot,

I am free 9-11 am tomorrow and on Friday from 3-5pm. You may bring your support person with you to the meeting. Let me know what time may work for you.

Julian R. Williams
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On Wed, Apr 15, 2015 at 10:39 AM, Margot Mayer [REDACTED] <mailto:[REDACTED]> wrote:

Dear Julian,

When will I be able to view the report? Will I be able to bring a support person with me?

Margot

On Wednesday, April 15, 2015, Julian Williams <julwilliams@vassar.edu<mailto:julwilliams@vassar.edu>> wrote:

[REDACTED]

The investigative report is the document that summarizes the entire investigation. This document will be provided to the adjudicative body prior to the hearing. Each of the parties will have an opportunity to review the report for as long as they would like, but this review will need to be done in the EOAA office as copies are not provided to the parties, for confidentiality purposes.

This is the meeting I was referring to in my e-mail to Margot. Both she and the responding student will have to opportunity to review the investigative report, separately. The investigative report is not an "editable" document so any issues that Margot may have with the report should be addressed in the hearing.

I expect the hearing to be on 4/30, I am still finalizing details and will be in touch within a few days to confirm.

As far as any allegations of violations of the non-contact directive those would need to be provided to the Title IX investigator [REDACTED] who would investigate. I will provide this information to [REDACTED] so she can begin to gather information.

Julian R. Williams
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On Tue, Apr 14, 2015 at 6:51 PM, [REDACTED] wrote:

Hi Julian,

Margot forwarded me your email below. Can you please clarify a few things?

- How long with Margot have to review the report? What happens if she deems it incomplete or incorrect? And how does that affect the 60-day Title IX time frame?
- Will Kevin be able to review the report?

- How is the investigative report used in the Title IX hearing?
- When dose Vassar expect to hold the Title IX hearing?
- What is the meeting you refer to below?

Additionally, I would like to bring to your attention that Ms. Mayer has seen and/or ran into [REDACTED] seven times since the no-contact order was issued. Moreover, she has just been informed that over the past two days, [REDACTED] has been skating around her residence on campus, and particularly outside her window. This has caused Ms. Mayer particular distress and has affected her psychologically. She is also now afraid to walk around campus by herself. This is extremely unfortunate and a potential violation of Ms. Mayer's rights under Title IX. We hope, at the very least, that Vassar has reminded [REDACTED] of his obligations under the no contact order, as [REDACTED] requested in his March 30 email. It also seems, although I am not privy to the scope or content of the no-contact order, as though [REDACTED] may have violated the order during one or more of his encounters with Ms. Mayer. We remind you that Vassar has a duty to ensure Ms. Mayer's safety during this time. Thus, please let me know as soon as possible what Vassar intends to do in response to these recent developments.

I have included Ms. Mayer's explanation of each instance she came into contact with Kevin below for your review:

1. I ran into Kevin as he received the phone call about the no-contact order. I ended up hiding behind a tree, in fear of his retaliation against me once he knew I was filing a report of Sexual Assault and Dating Violence against him.
2. I ran into Kevin at a party in the THs where he was no more than 2/3 feet from me. I screamed and started to cry and he eventually left.
3. I ran into Kevin while on my way back to my residence in the THs with his friend [REDACTED]
4. Yesterday, I ran into Kevin once again while he was with [REDACTED] on my way back to my home in the THs Both times I have had panic attacks
5. Today, I ran into Kevin this morning as he skateboarded towards me at full speed-absolutely terrifying to have your rapist coming towards you so quickly-I ran/walked away as fast as I could.
6. When I came back to campus an hour later, I saw him again and I hid behind the library to avoid him.
7. About two days ago, Kevin was skateboarding outside of my TH on my side of the house. Why does he think he can be in such close proximity to my residence? He can skate anywhere he wants on campus and he thinks it's appropriate to do so outside of my home? There is no doubt in my mind that he was unaware that this is my primary residence, it was a blatant violation and one that should come with severe punishment.

Thank you,

[REDACTED]

[REDACTED]

From: Margot Mayer [REDACTED]
Sent: Tuesday, April 14, 2015 11:51 AM
To: [REDACTED]
Subject: Fwd: Final investigative report

----- Forwarded message -----

From: Julian Williams <julwilliams@vassar.edu<mailto:julwilliams@vassar.edu>>
Date: Tuesday, April 14, 2015
Subject: Final investigative report

To: [REDACTED]
Margot,

I have received the final investigative report from [REDACTED] I will need 1-2 days to review the report before it is final.

Once I have completed my review, I will contact you so that you can have an opportunity to review the report.

Please be advised that you can bring a support person with you to this meeting. I will be in touch likely before this Friday.

Julian R. Williams
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[REDACTED]

[REDACTED]

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