UHB Training Agenda
October 17, 2019
1:00-4:00 pm

1:00 – 1:15 pm  Welcome & Introductions

1:15 – 1:45 pm  Intake & Investigative process
Tracy Cassalia, Deputy Title IX Coordinator
Crystal Tyler, Title IX Investigator, Jackson Lewis Law Firm

1:45 – 2:15 pm  Determination of charge
Patrick Benner, Conduct Officer

2:15 – 2:45 pm  Small group work – Wes & Eva Case Study
- Who does your UHB want to call as witnesses?
- What questions does your UHB have for the parties?
- Did you note any discrepancies?

2:45 – 3:45 pm  UHB Hearing - Decision to charge and sanctions
Judge Catherine Hammond, Hearing Officer
- Have groups determine if respondent is found responsible or not responsible

3:45 – 4:00 pm  Appeal Process – Review of SSC
UHB Groups

**Group 1**
Paul Lozo
Melanie Jenkins
Katie Wall

**Group 2**
Maya Vincelli
Tim Vest
Brendan Halligan

**Group 3**
Jasmonn Coleman
Laurie Melville
Kristen Ball

**Group 4**
Jackson Knox
Michelle Wamsley
Iria Jones

**Group 5**
Rebecca Buffington
Kelly Harris
Jerry Robinson
**Case Study #1**

Eva was flirting with Harris at an on-campus party. Eva told Harris if he agreed to date her, she would hook up with him that night. Harris told Eva he was not the “dating type”. Later that night, friends saw Eva flirting with Wes. Eva’s friends stated that they saw Eva and Wes walking hand-in-hand away from the party towards the residence hall. Surveillance video from the hall cameras shows that the two entered the residence hall at 11:14 pm and proceeded to the common lounge, which was empty. While there is no audio, the video shows the two kissing, and shows Eva on top of Wes while he is laying on the couch. The video shows Eva grinding on Wes while he fondles her breasts, first over then under her shirt. At one point, Eva’s breasts were clearly exposed on camera. The two were on the couch for 23 minutes. The video then shows them getting up, and Eva leading Wes down the hall by the hand. Their stories diverge at this point.

Eva stated she was going to see Wes out, but had to go to the bathroom. Eva states the two stopped at her room on the way out. Eva let Wes into her room to wait and asked him to be quiet because her roommate was sleeping. Eva went into the bathroom and said that after she used the bathroom, Wes pushed his way inside the door and closed it behind him, before she had a chance to put her pants back on. Eva said that Wes then told her she couldn’t “leave him hanging”, referring to their activity on the couch in the lounge. Wes asked Eva for a hand job, and she agreed. Wes took off his pants. Eva proceeded to rub his penis with her hand. Wes then asked Eva for oral sex, but she said no, and continued with the hand job. As she gave him a hand job, he fondled her breasts and they kissed. Wes then began to rub between her legs and she allowed this and continued with the hand job. Wes then penetrated her with his finger. Eva moved his hand away, stopped rubbing him, and told him he needed to leave.

Wes said that while on the couch in the common room, he suggested the two go to Eva’s room and continue things more privately. Eva told Wes that her roommate was there and would be asleep. Eva then suggested they could go into her bathroom. The two agreed, got up from the couch and Eva led Wes by the hand to her room, reminding him to be quiet so they didn’t wake her roommate. They entered the room and went into the adjoining bathroom. Eva took off Wes’s pants, then removed her pants and began giving Wes a hand job. Wes asked for oral sex, but Eva said no and continued rubbing his penis. During the hand job, the two kissed and Wes fondled Eva’s breasts. Wes then began rubbing between Eva’s legs and she continued the hand job and was making moaning sounds. Wes then teased Eva that she needed to be quiet or she would wake her roommate. Wes then penetrated Eva with his finger, and she immediately moved his had away from her. Eva continued the hand job until Wes climaxed. Video shows that Eva escorted Wes from the residence hall at 12:24 am. The two kissed as Wes left.

At 10:04 am the next day, Eva texted Wes, asking him how she should refer to their “couple status” when she told her roommate about the night before. At 10:18 am, Wes texted Eva that he felt really guilty about what they did the night before because he had a girlfriend. Wes told Eva that she was really nice; but that she needed to stay in the friend zone and that, he hoped he didn’t lead her on. When Eva received the text, she immediately blocked his number and blocked him on all social media. Eva told her roommate she needed to find someone who was ready for a serious relationship and that the night before with Wes was a mistake. Wes told his roommate he felt bad that he that he led Eva on.

By that evening, rumors were circulating that Wes had assaulted Eva. Wes heard the rumors from a friend and decided he needed to address them. Wes texted Eva at 8:40 pm, “Please tell
people I didn’t rape you. Some people are spreading the rumor.” Eva texted back at 8:42 pm, “but u did rape me. Don’t contact me again.”

Eva told her roommate she wasn’t sure if she wanted to report the incident. Eva’s roommate told her she needed to report what happened so it didn’t happen to someone else. Eva’s roommate told her she would help her file the report.

Questions for discussion:
1.) What areas of the sexual misconduct policy are at issue?

2.) What are the elements of the issue(s)?

3.) What evidence is mentioned that could influence the elements of the issue(s)?

4.) What factors might you consider in weighing the evidence?

5.) Is Wes responsible for a violation of the sexual misconduct policy?

Adapted from The ATIXA Play Book: Best Practices for the Regulatory Area, 2017, Black, Nedda et al.