FINAL INVESTIGATION REPORT[1]

Complainant: Charlie Chaste
Respondent: Jesse Jacobs
Investigating Official: Jessica Fletcher
Date: March 6, 2023

On December 2, 2022, the Title IX Coordinator received a formal complaint from Complainant Charlie Chaste, a sophomore, alleging misconduct by Respondent Jesse Jacobs, also a sophomore. Specifically, the report stated:

> On October 13, 2022, my romantic partner, Jesse Jacobs, assaulted me during an argument. We were sitting in Jesse's car outside of my residence hall. Jesse grabbed my arm, leaving a bruise, and slapped me across the face.[2]

This conduct, if true, could constitute a violation of the Title IX Policy's prohibition against Dating Violence.

Both parties were provided with a Notice of Investigation of Allegations on December 5, 2022, which included a mutual no-contact order.[3] The case was referred for investigation to determine whether Respondent violated the Policy.

Jurisdiction

The institution must investigate a formal complaint unless it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in the Policy, even if proved;
- The conduct did not occur in the institution's education program or activity;
- The conduct did not occur against a person in the United States; and/or
- At the time of the filing of a Formal Complaint, the Complainant is not participating or attempting to participate in the education program or activity of the institution.

[1] Note: This scenario is entirely fictitious and is for training purposes only. No identification with actual persons is intended or should be inferred. While this report follows a format that we often use, it is not sufficiently detailed to be a model report. Many details were left out to facilitate the creation of better questions for purposes of our mock hearing.
[2] If this were a real Final Investigative Report, the formal complaint would be attached.
[3] Again, if this were a real Report, these notices would be attached.

In this case, the Formal Complaint alleges conduct that, if true, may constitute Sexual Harassment (Dating Violence) under the Policy. Further, the conduct was reported to have occurred on campus, in the United States, between two students. Finally, Complainant was (and still is) a student of the institution at the time of filing the Formal Complaint. Therefore, the Institution must investigate this case, and it is appropriate to process it through the Formal Complaint Resolution process outlined in the Policy.

Relevant Excerpts from the Policy

For purposes of the Policy, "Sexual Harassment" includes conduct that falls under the definition of "Dating Violence."

> Violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

History of Investigation

During the course of the investigation, the investigating official interviewed all of the following students via Zoom between December 2, 2022 and February 3, 2022:

- Complainant;
- Respondent;
- Whitney Wildcat.

No other witnesses were identified by the parties.

All interviewees were advised of the role of the investigating official as a neutral and unbiased gatherer of information, the anti-retaliation policy, and an overview of the investigation and adjudication process. Interviewees were also advised that information shared with the investigating official is not confidential and would be included in this report, shared with the parties, and possibly become the basis for questioning at a later hearing.

A summary of each interview was shared with the appropriate interviewee. Interviewees were offered the opportunity to review and revise summaries to ensure accuracy. All interviewees approved the summaries attached to this report.[4]

As part of the investigation, the investigating official gathered additional information. All parties and witnesses were asked for all communications, photographs,[5] and videos from the evening in question, but there were none.

The investigators requested security footage and card swipe information from the institution.

- Security footage[6] shows the car pulling up to the residence hall at 11:44 p.m. and Charlie exiting approximately six minutes later. The camera can't see the inside of the car.
- Card swipes show Charlie entered the residence hall's main door by the parking lot at 11:45 p.m., then again at 12:08 a.m. through side door; security footage could not be obtained for the later swipe.

The parties were offered a chance to review a draft of this report and provide a response in writing within ten days. Neither party submitted a response.

Investigation

Background

Charlie and Jesse met during first-year orientation in the fall of 2021. They began officially dating on September 13, 2022. Both describe their early relationship as "rocky." The parties agree that they broke up on Christmas Day, 2022.

The Incident

The incident in question occurred on October 13, 2022. Both parties agree that they went out together for dinner that night to a restaurant called Demi's, but they disagree about the specifics. Each stage of the evening is presented below, from each parties' perspective.

Prior to the Incident

Charlie's Perspective

---

[4] For our purposes, we aren't going to attach summaries. You can rely on what is in this report instead.

[5] Jesse had several photographs of Charlie in the days following the incident, but Charlie had his forearm covered in all of them.

[6] See https://www.youtube.com/watch?v=dQw4w9WgXcQ.

Charlie stated that he spent the day studying for exams. He and Jesse went out to dinner for their "month-a-versary" in town that evening at Demi's. Charlie stated that neither drank any alcohol. During dinner, they kept the conversation light, but after dinner they decided to take a walk around the square in downtown.

Charlie stated that they walked for about an hour and a half and talked about their relationship. At one point, they stopped by the duck pond and sat on a bench for a little while. Charlie was worried about exams, and Charlie felt that Jesse had been demanding too much time and attention. Charlie recalled Jesse feeling like she never saw Charlie.

Charlie noticed it was getting close to midnight and suggested that they walk back to Jesse's car so they could get back to campus. Charlie stated that Jesse got visibly angry and told him that "this was exactly what [she was] talking about." They walked back to the car without talking.

Jesse's Perspective

Jesse stated that they had 7:30 dinner reservations at Demi's, and that they had a long dinner. Charlie had two glasses of wine (Demi's didn't card him), but Jesse didn't drink because she was driving. They mostly talked about Jesse running for Executive Board of the Philosopher's Guild, a student group on campus that both had joined. Jesse recalled that she was excited about it, but Charlie sounded like he didn't want her to run because it would take up too much time. They had a full meal and dessert, then decided to go for a walk around the park in the center of town.

Jesse stated that they walked for quite a while before Charlie starting telling her that he was stressed about exams and wasn't happy. Jesse stated that Charlie told her that he thought Jesse wasn't a good listener, and that she was always late. Jesse pointed out that she had been on time to pick Charlie up that night, but Charlie was playing on his phone and wasn't listening. Jesse stated that she got mad because Charlie was accusing her of not listening, but then wasn't listening himself. Jesse told Charlie it was time to head back to the car, and they didn't talk for most of the way back.

<u>Incident in the Car</u>

Charlie's Perspective

Charlie stated that he was in the passenger's seat of Jesse's car, and Jesse was driving. The drive from town took about ten minutes. When they got to Charlie's residence hall, Jesse pulled up in front of the main door, but put the car in park. Charlie and Jesse then continued talking for a while.

Charlie stated that he told Jesse he wasn't happy and thought it might be time to break up. According to Charlie, Jesse got mad and started yelling that Charlie was "self-

absorbed," and that when Jesse expressed concerns about the relationship, Charlie would ignore them or blame Jesse for everything.

Charlie stated that he told Jesse that he wasn't going to be yelled at and that he thought it was time to go inside. According to Charlie, Jesse then grabbed his left arm "forcefully" and told Charlie that he "can't get away that easily." When Charlie tried to "wrench" his arm free, Jesse slapped him across the face. Charlie stated that he scream out in surprise, and Jesse let go of his arm.

Charlie stated that he ran out of the car up to his room, locked the door, and stayed in for the rest of the night. He didn't talk to anyone else that night and ate his way through a box of chocolates that Jesse had left in his room.

Jesse's Perspective

Jesse stated that she drove Charlie back to his residence hall and parked out front. They didn't talk on the way there. Jesse recalled that once they got to the residence hall, Jesse wasn't in the mood to talk anymore, so she just said "Good night," and unlocked the car door in an attempt to get Charlie to leave.

According to Jesse, Charlie then said, "Figures you don't want to talk. You don't want to hear anything bad about yourself. Why do I keep dating you? I think it's time for me to leave." Jesse said she then felt guilty for brushing Charlie off, so she said, "Oh, don't be like that. Let's talk after your exam." Jesse said that she then leaned over to kiss Charlie good night on the cheek. Jesse recalled that Charlie leaned away from her, so Jesse missed putting a kiss on his cheek. Charlie was unapologetic and closed the car door.

In response to the allegations, Jesse stated that there was "no way" that she could have bruised Charlie's arm, and noted that if she touched Charlie's arm at all in the car, it was just to get her balance when she leaned over to try and kiss him.

<u>After the Car Incident</u>

Charlie's Perspective

Charlie stated that he had an exam the next morning. As he was packing his bag to go to his exam, Jesse sent him a snapchat message that stated, "I love you. I am so sorry. Let's talk." Charlie didn't respond and went to his exam. They talked again later that afternoon, but neither brought up what had happened in the car the night before.

Charlie noted that he had a deep bruise on his left forearm that didn't go away for two weeks. Charlie told the investigator that he wished he had taken pictures, but he did not.

Jesse's Perspective

Jesse stated that she sent Charlie a snapchat before she went to bed that said, "I love you. I'm sorry. Let's talk tomorrow." The next day, Jesse went to Charlie's exam room and waited for him. They revisited their discussion from the previous night and promised to be more attentive to each other.

Whitney's Perspective

Whitney is Charlie's next door neighbor in the residence hall. Whitney knows Charlie from biology class and has only met Jesse in passing.

Whitney stated that on the night before their biology exam, Charlie came home around midnight "in a huff." Whitney stated that Charlie had borrowed his winter coat to go on a date that night and stopped by to drop it off. Whitney stated that he asked Charlie what was wrong.

Whitney recalled that Charlie told him about an argument with Jesse and said that the relationship was getting to be "too much." Whitney told Charlie to get some sleep for the exam, and Charlie left, talking about wanting to get something to eat.

The following day, Jesse was waiting for Charlie outside the exam room. Whitney gestured to Charlie to see if he wanted Whitney to intervene, but Charlie indicated he was OK and he walked off with Jesse.

Whitney stated that he never saw any bruises on Charlie's arm. Both Whitney and Charlie left for home a few days later.

Conclusion

This matter is referred for adjudication through the hearing process.