

Exhibit H

ALLYSON E. KURKER-3/2/16

1 immediately --

2 A. Believe. Realize is not the word I would
3 use.

4 Q. All right. What's your word?

5 A. Believe.

6 Q. All right. As long as the complainant says
7 she did not believe immediately that she was sexually
8 assaulted, any account she gave until she started
9 believing it would be irrelevant?

10 MR. ROBERTS: Objection.

11 MR. SCHUH: Objection.

12 A. Yes.

13 (Pause).

14 Q. And if the -- and I take it that
15 determination would only be if the complainant told you
16 she didn't realize it immediately, is that right?

17 MR. SCHUH: Objection.

18 A. Not immediately, up until the point that she
19 decided.

20 Q. What do you mean, up until the point that she
21 decided what?

22 A. Began to believe that she had been assaulted.

23 Q. Now, as an experienced sexual misconduct
24 investigator, do you consider it important to identify

ALLYSON E. KURKER-3/2/16

1 any writings or electronic communications that the
2 complainant made after the incident?

3 A. Any? No.

4 Q. Well, do you consider it important to find
5 out about any such communications or writings that
6 mention the incident?

7 A. To the extent that the incident is being
8 described as nonconsensual, yes.

9 Q. And it would not be important for you to find
10 out about communications that describe it as
11 consensual, is that right?

12 MR. SCHUH: Objection.

13 A. It would be -- no, what you just said is no.

14 Q. No? You --

15 A. What I'm saying is that if a complainant
16 tells me, at the time I believed it was consensual, the
17 time I told people I believed it was consensual, no, I
18 would not feel the need to see writings that confirmed
19 what the complainant already told me.

20 Q. If -- see if I understand this, so just so
21 I'm clear, if a complainant says, I didn't realize it
22 was nonconsensual until later, you wouldn't need to get
23 any such writings or communications that she had about
24 the incident immediately afterwards, right?

ALLYSON E. KURKER-3/2/16

1 Q. I'm asking you, complainant says, I didn't
2 believe it until later, and she doesn't tell you
3 whether or not she told anybody before that time that
4 it was consensual.

5 A. I would have wanted --

6 MR. ROBERTS: Objection.

7 MR. SCHUH: Hold on, there was no
8 question there.

9 MR. STERN: There's a question.

10 Q. I'm asking you in that event, would you want
11 to ask her about communications that she had?

12 MR. SCHUH: Objection.

13 MR. ROBERTS: Objection.

14 A. I would want her to identify people who she
15 spoke to who would, who would say whether she had said
16 one thing or the other about whether it was consensual.

17 Q. So from what you've said, you do not have a
18 regular practice in all of your investigations of
19 asking the complainant to identify the persons that she
20 had spoken to about the incident or the communications
21 she had about the incident?

22 MR. SCHUH: Objection.

23 MR. ROBERTS: Objection as well.

24 A. The -- it depends what you mean by the

ALLYSON E. KURKER-3/2/16

1 incident.

2 Q. Her claim of being assaulted.

3 MR. SCHUH: Objection.

4 MR. ROBERTS: Objection as well.

5 A. If she claimed that she spoke to people and
6 told them that she had been assaulted, then yes, I
7 would want to talk to those people whom she confided
8 in, assuming it was very close in time to when the
9 assault happened.

10 MR. STERN: Could you read that back to
11 me, please?

12 (Reporter read the record as requested).

13 Q. So those, that's the only situation in which
14 you would regularly ask the complainant to identify the
15 people that she had spoken to and identify the
16 communications that she had, is that right?

17 MR. SCHUH: Objection.

18 MR. ROBERTS: Objection.

19 A. You need to rephrase the question. I don't
20 know what you're --

21 Q. You do not have an invariable practice of
22 asking a complainant to identify the people she spoke
23 about the alleged incident shortly after the event,
24 correct?

ALLYSON E. KURKER-3/2/16

1 Q. That's why you asked?

2 MR. SCHUH: Objection.

3 A. No. If she had substantive communications
4 with her about the subject matter of the alleged
5 assault, yes. If sandra had written her an e-mail
6 saying, I've listed you as a witness, that would not be
7 a substantive communication.

8 Q. But in your interview you asked her to send
9 her e-mail exchanges with him, correct?

10 A. I asked her to send the e-mail communications
11 to the extent, yes, generally, but I was specifically
12 asking for communications in which sandra described the
13 conduct as being nonconsensual.

14 Q. Well, is that what you said?

15 A. That was the context of --

16 Q. Okay.

17 A. -- this because [REDACTED] did not speak to sandra
18 until she believed that it was nonconsensual as far as
19 I know.

20 Q. So the only e-mails that you were interested
21 in were e-mails in which sandra said it was
22 nonconsensual?

23 MR. SCHUH: Objection.

24 A. Those are the only e-mails that I would have

ALLYSON E. KURKER-3/2/16

1 found material. I think I did ask her, send me
2 whatever communications you have, and I don't know one
3 way or the other whether she did that.

4 Q. Now, you knew that [REDACTED] was
5 instrumental in getting this complaint started,
6 correct?

7 MR. ROBERTS: Objection.

8 MR. SCHUH: Objection.

9 A. Instrumental is a term that I'm not sure. If
10 you want to ask me what I knew, I can look at the
11 transcript and I can look at my report. I'm not going
12 to characterize something.

13 Q. Well, did you know that, that [REDACTED] reported
14 the alleged sexual assault to the Title IX
15 Administration before sandradid?

16 MR. ROBERTS: Objection.

17 A. I did not know that. I -- let me take that
18 back. I don't believe I knew that. It could be in the
19 transcript that I did know it.

20 Q. Well, you knew that sandra reported it after
21 [REDACTED] told her that she could be a witness for her,
22 right?

23 A. Yes, I believe so.

24 Q. And you knew that she reported it the