

# **Exhibit G**



April 19, 2016

Amanda Walsh,  
Title IX Program Officer  
Box 2008

Dear Amanda,

In the complaint involving Complainant Ann Roe , '18, and Respondent John Doe '17, the Title IX Council panel found as follows.

Panel members: Kimberley Charles (undergraduate), Besenia Rodriguez (Associate Dean of Curriculum), and Katherine Trimble (Deputy Director of the Swearer Center)

Finding: Having reviewed the investigative report, appendices, and statements submitted by complainant and respondent, and based on a preponderance of the evidence, panel members found John Doe *responsible* for Sexual Misconduct in violation of the 2014-15 Code of Student Conduct (Offenses III a & b).

Sanction: suspension until such time as the Complainant has graduated from Brown.

Rationale: While both parties agreed that a sexual encounter took place on November 10, 2014 in a third-floor locker room in Faunce Hall, they gave divergent accounts as to whether the encounter was consensual. The panel perceived the Complainant to be the more credible witness in finding the Respondent responsible for "non-consensual physical contact of a sexual nature" (offense IIIa of the 2014-15 Code of Student Conduct) including penetration (offense IIIb).

Because the 2014-15 Code of Student Conduct does not explicitly define consent, the panel referred to the current Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy, which codified Brown University's existing community standards with respect to "maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents campus cultural norms" (II).

The current policy defines consent as "an affirmative and willing agreement to engage in specific forms of sexual contact with another" (VIIIa). Moreover, "consent cannot be obtained through (1) manipulation or (2) the use of coercion." Coercion is then defined as involving "verbal and/or physical conduct, including manipulation, intimidation, unwanted contact" (VIIIb).

Prior to the encounter, the Respondent himself stated his intent to manipulate in text message: "When the Complainant accuses the Respondent of trying to manipulate her, the Respondent says, 'I'm trying to manipulate you a lot' Appendix D at 97" (investigative report, p. 8). Moreover, text messages record both the Complainant's

assertion that she is not interested in sexual activity and the Respondent's refusal to accept this limit: "When [Complainant] replies that she just wants to be friends, the Respondent says, 'So do I. I just want you to be a friend I fuck the shit out of' [Appendix D at 98]. When she replies that she doesn't know how to make herself more clear, he says, 'I get it. Just not accepting' (Appendix D at 98)" (investigative report, p. 8). Given the Respondent's refusal to accept "no" during his text exchanges with the Complainant, the panel determined that, during their encounter in the locker room, it was more likely than not that a) the Complainant held to this limit, b) the Respondent persisted in his refusal to accept it, and c) the Respondent did not ask for or receive consent as he claims to have done.<sup>1</sup>

In determining an appropriate sanction, the panel was guided by the 2014-15 Code of Student Conduct, which states that "Violations of Offense IIIb will result in more severe sanctions from the University, separation being the standard." It also took into consideration prior findings in which the Respondent was found responsible for violating the Code of Student Conduct, as well as his violation of a No Contact Order.

Sincerely yours,

Gretchen Schultz,  
Professor of French Studies,  
Title IX Council Chair

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<sup>1</sup> "The Respondent states that, despite the Complainant's statements that she did not want a sexual relationship with him, her active participation in the sexting, her compliments and flirtatious banter with him, her reinitiation of conversations after he accepted her decision and stopped communicating with her, all in the face of his clearly stated sexual interest in her, made him believe that the Complainant liked his attention and was in fact interested in a sexual relationship with him" (investigative report, p. 9, emphasis added).