



To:	Toya Camacho, Assistant Vice President for Institutional Diversity and Equity, and Title IX Coordinator, Williams College
From:	Allyson Kurker, Kurker Paget LLC, External Investigator
Re:	Report of investigation involving John Doe and Susan Smith
Date:	October 11, 2016

Williams College (“Williams” or the “College”) promotes compliance with its Code of Conduct, which encompasses sexual misconduct and stalking policies, in part by investigating allegations of policy violations. The contents of this document memorialize such an investigation. The contents of this report are confidential and intended to be used solely in connection with the investigation process including appeal, if applicable, and for no other purpose.

I. Background

Susan Smith, class of 2015, and **John Doe** class of 2016, each bring complaints against the other alleging violations of the College’s Code of Conduct. They both deny that they engaged in conduct that violated any College policy.

II. Investigation Procedure

The Investigator interviewed the witnesses identified below on the date(s) so indicated. Each witness affirmatively consented to having his/her interview recorded.¹

1. **John Doe** May 10, June 1, and July 13, 2016
2. Susan Smith, May 10, June 15 and July 26, 2016
3. Andrea Estrada (class of 2016), June 17, 2016, Witness identified by Susan Smith
4. Lady **Doe** June 17, 2016, Witness identified by **John Doe**
5. Katherine Nunez (class of 2016), June 17, 2016, Witness identified by Susan Smith
6. Carolina Hernandez, June 28, 2016, Witness identified by Susan Smith

¹ The Investigator’s practice is to record all interviews. This practice allows the Investigator to engage witnesses in a conversation, rather than focusing attention on note-taking.

7. Theo Pippins (class of 2014), June 29, 2016, Witness identified by Susan Smith
8. Naomi Fields (class of 2015), June 29, 2016, Witness identified by Susan Smith
9. Eman Al-Ali, June 29, 2016, Witness identified by Susan Smith
10. Ava Atri (class of 2017), June 29, 2016, Witness identified by Susan Smith
11. Jacqueline Lane (class of 2016), July 17, 2016, Witness identified by John Doe and Susan Smith
12. Jackie Lee (class of 2016), July 22, 2016, Witness identified by Susan Smith
13. Rosanna Reyes, Associate Dean, July 27, 2016, Witness identified by Susan Smith
14. Owen Kay (class of 2017), August 1, 2016, Witness identified by Susan Smith
15. Elanie Wilson (class of 2015), September 1, 2016, Witness identified by Susan Smith

John and Susan identified Giselle Trivino and Matais Crespo (both class of 2015) as witnesses, but these individuals informed Toya Camacho, the College's Title IX coordinator, that they did not want to participate in this investigation. Charles Chirinos was also asked to participate in this investigation, but he did not respond to the Investigator's attempts to schedule a time to interview him.

The Investigator reviewed the following tangible evidence:

- A. Email from Susan Smith to Dean Bolton, dated October 5, 2014, attached as **Exhibit A**.
- B. Email correspondence between Susan Smith and Dean Rosanna Reyes, from October 2014 to February 2015, attached as **Exhibit B**.
- C. Text message exchange between Susan Smith and Lady Doe dated January 21-22 2015, attached as **Exhibit C**.
- D. John Doe September 2015 bank statement (showing money transfers to Susan Smith), attached as **Exhibit D**.
- E. Susan Smith's Statements and Invoices, attached as **Exhibit E**.
- F. Susan Smith's Apple Store invoice, attached as **Exhibit F**.
- G. Email from Professor Leyla Rouhi to Dean Sarah Bolton, dated April 14, 2016, attached as **Exhibit G**.
- H. Text message exchanges between John Doe and Susan Smith, dated October 7, 2015 - March 12, 2016
 - a. Text messages exchanged on October 7, 2015, attached as **Exhibit H(a)**.
 - b. Text messages exchanged from October 8-9 2015, attached as **Exhibit H(b)**.
 - c. Text messages exchanged from October 12, 2015 to October 14, 2015, attached as **Exhibit H(c)**.

- d. Text messages exchanged from October 22-24, 2015, attached as **Exhibit H(d)**.
- e. Text messages exchanged from November 7-10, 2015, attached as **Exhibit H(e)**.
- f. Text messages exchanged from November 29 - December 3, 2015, attached as **Exhibit H(f)**.
- g. Text message exchanged from February 10 - 14, 2016, attached as **Exhibit H(g)**.
- h. Text messages exchanged on February 29, 2016, attached as **Exhibit H(h)**.
- i. Text message exchanged on March 4, 2016, attached as **Exhibit H(i)**.
- j. Text messages exchanged from March 1 - March 12, 2016, attached as **Exhibit H(j)**.

- I. Facebook message thread between John Doe and Susan Smith, dated December 6, 2015, attached as **Exhibit I**.
- J. Facebook message thread between Lady Doe and John Doe dated December 6, 2015, attached as **Exhibit J**.
- K. Susan Smith's phone log from February 14, 2016 to March 13, 2016, attached as **Exhibit K**.
- L. Handwritten letter from Susan Smith to John Doe, dated February 16, 2016, attached as **Exhibit L**.
- M. Cease and desist demand letter from John Doe's attorney, Stacey Elin Rossi, to Susan Smith, dated March 13, 2016, attached as **Exhibit M**.
- N. Birthday cards from John Doe to Susan Smith, dated January 21, 2015 and January 21, 2016, attached as **Exhibit N**.
- O. Text message exchange between Andrea Estrada and Susan Smith, dated October 13, 2015, and email from Andrea Estrada to Dean Bolton, dated March 14, 2016, attached as **Exhibit O**.
- P. Texts message exchange between Susan Smith and Lady Doe, dated Dec. 1 - 2, 2015, attached as **Exhibit P**.
- Q. Lady Doe's Sprint Telephone Log, attached as **Exhibit Q**.
- R. John Doe Statement Appeal hearing, attached as **Exhibit R**.

III. Applicable Policies

The parties have raised allegations about each other that span from the summer of 2014 through the spring of 2016. These Code of Conduct policies include: The Statement of Sexual Assault and Other Sexual Misconduct that was in effect during the summer of 2014 until October 2014, when the College updated that policy; the Statement of Sexual Assault and Other Sexual Misconduct that was in effect during the 2014 – 2015 academic year; the Stalking Policy, in effect during the 2014 – 2015 academic year; the 2015-2016 Code of Conduct, which includes the Stalking Policy,

the Relationship Abuse Policy, and the Retaliation policy; and, the Williams College Employee Handbook Sexual Misconduct Policy.

A. The 2013-2014 Student Code of Conduct

The College's 2013-2014 Student Code of Conduct applies to the allegations that precede the College's adoption of its Statement of Sexual Assault and Other Sexual Misconduct, which went into effect in October 2014.

B. The Statement of Sexual Assault and Other Sexual Misconduct, effective October 2014

Williams College is committed to maintaining a learning and working environment that is free from sexual assault, sexual harassment and other sexual misconduct, remedying the effects of such misconduct when it occurs, and preventing its re-occurrence. The term "sexual misconduct" includes sexual assault, sexual harassment, sexual exploitation, stalking, dating violence and domestic violence, all of which have more complete definitions below. The College also prohibits and has established procedures to address sexual discrimination that does not involve sexual misconduct. These issues are addressed in the College's Non-Discrimination Policy and Discrimination Grievance Procedures. Advice concerning the College's non-discrimination policies and procedures is available from any of the Advisors for Discrimination Concerns. This Statement describes the resources and options that are available to all members of the Williams community who have been subjected to sexual misconduct by another member of the community.

Consent is a crucial part of both the Williams Code of Conduct and Massachusetts law. The Williams College Code of Conduct requires affirmative consent for all sexual activity. Consent means that at the time of the sexual contact, words or conduct clearly indicate freely given approval or agreement, without coercion, by all participants in the sexual contact. Both parties have an obligation to communicate consent or the lack of consent. In the absence of affirmatively expressed consent, sexual activity is a violation of the code of conduct. In addition, a verbal "no" (no matter how indecisive) or resistance (no matter how passive) constitutes the lack of consent. In addition, consent once given may be withdrawn at any time. If consent is withdrawn, the other party must immediately stop whatever sexual contact is occurring. An individual is unable to give consent if he or she is substantially physically or mentally impaired by alcohol or drugs, forced or threatened, physically incapable of resisting, asleep, or unconscious. Consent while under the influence of alcohol or drugs is valid consent, unless the person is under the influence to the point of being substantially impaired. As is the case with other violations of the Code of Conduct, the use of alcohol or drugs does not minimize or excuse a person's responsibility for committing a sexual assault.

Dating or Domestic Violence means conduct by a person who is or has been in a relationship of a romantic or intimate nature with the victim, which involves physical harm to the victim; attempting or threatening to physically harm the victim; making the victim fear that physical harm is going to happen; or threatening, pressuring or forcing the victim to engage in sexual activity.

Non-Consensual Sexual Intercourse means any sexual penetration (anal, oral or vaginal), however slight, with any body part or object, by any person upon any other person, without effective consent.

Non-Consensual Sexual Contact means any sexual touching, however slight, with any body part or object, by any person upon any other person, without effective consent.

C. The Stalking Policy, effective during the 2014-2015 academic year

Stalking refers to a pattern of conduct directed at a specific person that would cause a reasonable person to feel fear, or to fear for the health or safety of a person they are close to, such as a friend or family member. Stalking behaviors can include, but are not limited to:

- non-consensual communication including in-person communication, telephone calls, voice messages, text messages, emails, social media site postings or messages, instant messages, posting of pictures or information on websites, written letters, gifts, or any other communications that are undesired or place another person in fear
- following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the victim
- surveillance or other types of observation, whether by physical proximity or electronic means
- trespassing, for example in a victim's dorm room
- vandalism
- non-consensual touching
- direct physical and/or verbal threats against a victim or a victim's loved ones
- gathering of information about a victim from family, friends, co-workers, and/or classmates
- manipulative or controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim
- defamation or slander against the victim, for example by spreading rumors

D. The 2015-2016 Code of Conduct includes the following policies:

The Stalking Policy is unchanged since the 2014-2015 academic year.

Relationship Abuse is defined as the use of physical force, coercion, threats, intimidation, isolation, or other forms of physical, or sexual abuse toward a partner in a current or former personal, intimate relationship. Relationship abuse also includes manipulation or other forms of emotional abuse if they have the effect of creating fear*, isolation, or restriction of access to resources, education or work. Relationship abuse includes behaviors that are defined as dating and/or domestic violence for purposes of remedies under Massachusetts law, Title IX, and for Clery Act reporting.

Relationship abuse is directed primarily against a person who is or has been involved in a sexual, dating, domestic or other emotionally, romantically, and/or physically intimate relationship with the respondent, although the abuse may be directed toward the family members, friends, pets, or property of the targeted partner.

Relationship abuse can encompass a broad range of behavior including, but not limited to, coercive, abusive, or violent behaviors that are physical, sexual and/or economic in nature. The also include psychological, verbal and/or emotional abuse if they have the effect of creating fear*, isolation, or restriction of access to resources, education or work. The behaviors generally form

an ongoing pattern of behavior, although one severe instance of physical or sexual abuse may be sufficient to establish relationship abuse.

Examples include, but are not limited to, situations in which the following behaviors are directed toward the targeted individual.

- Threats and intimidation: coercion and manipulation, including threats of self-harm, used to compel the targeted individual(s) to behave as directed; exhibiting extreme possessiveness or jealousy to control or compel the targeted partner(s) behavior; threatening to share information which could damage the target's reputation or relationships with others to compel the targeted partner's behavior; threatening to harm the target's family, friends, pets, or property; threatening the target with physical or sexual harm;
- Isolation and restriction of freedom: isolating or confining the target for a substantial period of time; repeatedly depriving the target of personal freedom of movement or access to friends, family, or support systems;
- Resource abuse: forcible or coercive denial of use or access to owned or shared assets, or limiting or controlling access to education or work; words and/or actions aimed at manipulating the financial or legal situation of the target;
- Harm to property or pets: attempting to cause or causing damage or injury to property owned or controlled by the target, or the target's pets; interfering with the target's access to property they own or control, or their pets;
- Physical abuse: attempting to cause or causing the target bodily injury or offensive physical contact;
- Sexual assault, sexual exploitation, and sexual harassment as defined elsewhere in the Code of Conduct;
- Stalking as defined elsewhere in the Code of Conduct

* In adjudication of cases, behavior that would cause a reasonable person to feel fear will be interpreted as constituting relationship abuse by this standard.

Retaliation Policy. Retaliation is harmful action taken against someone who has filed a complaint, provided testimony, or in some way participated in a disciplinary investigation or process. It could also include actions taken against someone who has intervened as a bystander to stop or attempt to stop harassment, discrimination, or misconduct.

It can include intimidating, threatening, coercing, or discriminating against an individual because of their participation in a disciplinary process, or because they opposed behavior that was in violation of our Code of Conduct.

If the actions directed at that individual would deter a reasonable person in the same circumstances from reporting misconduct, participating in a disciplinary process, or opposing behavior in violation of our Code of Conduct, it is deemed retaliatory.

E. The Williams College Employee Handbook Sexual Misconduct Policy, effective during the 2015-2016 academic year

The provisions of the Sexual Misconduct Policy, as provided for in the Williams College Employee Handbook, is the same as the Statement on Sexual Assault and Other Sexual Misconduct that was in effect on October 2014. Accordingly, all student conduct prohibited by the Statement on Sexual Assault and Other Sexual Misconduct is prohibited by the Sexual Misconduct Policy that is applicable to employees. Furthermore, the College's Sexual Misconduct Policies, as represented in the Williams College Code of Conduct, effective as of October 2015, are applicable to employees.

The Sexual Misconduct Investigation and Adjudication Process states in relevant part:

Cases involving a student and a faculty or staff member. A student who experiences conduct on the part of a staff or faculty member that the student believes violates the [College's Sexual Misconduct Policies](#) is encouraged to report that conduct to Campus Safety and Security, the College's Title IX Coordinator, or the Dean of the College. A student who reports an experience of sexual assault or other sexual misconduct is called the "complainant." The staff or faculty member who is accused of committing sexual assault or sexual misconduct is called the "respondent." Both the complainant and the respondent are encouraged to participate in the process of investigation and adjudication.

IV. Description of the Allegations

The parties were in a dating relationship between the Fall 2013 semester, when Susan was a junior and John was a sophomore, and the Spring 2016 semester. This section describes in chronological order the parties' allegations about each other. Note: Susan has raised allegations about John that predate the College's adoption of its Relationship Abuse policy. The Investigator has included Susan's allegations that his conduct violated that policy because the Relationship Abuse policy considers conduct that includes "an ongoing pattern of behavior."

A. Incident in the summer of 2014 involving Theo Pippins

Susan's First Interview

John and Susan both lived in New York City during the summer of 2014; he with his family on Long Island and she near Columbia University, where she was enrolled in a public health program. One night, while John and Susan were at a sushi restaurant in Queens, she mentioned that many of her friends were in New York that summer, and that she was excited to spend time with them and John. When she included in this group her friend from Williams, Theo Pippins, John stopped talking to her. He paid their bill, and drove her to the train station. and said, "Get out, go be with your boyfriend, Theo." Susan refused to leave because she and John had planned for her to spend the night with him at his sister's house. When they arrived there, John made Susan wipe away her tears because he didn't want his sister to see her crying. Following this, Susan stopped seeing friends because she was scared that John would be angry.

John's Second Interview

John remembers the dinner that Susan described, but has a different memory of their discussion about Theo. John recalls that Susan mentioned wanting to spend time with Theo that night, and that he (Theo) and Susan had been texting each other earlier that day to coordinate a plan. At hearing this, John offered to bring Susan to the train station so she could visit Theo. However, once they arrived at the station, Susan changed her mind. He doesn't remember Susan crying or

telling her not to cry in front of his sister. **John** did not perceive that **Susan** was breaking plans with him because they hadn't solidified what they were going to do the rest of the night.

Susan's Second Interview

Susan contests **John**'s position that he offered to bring her to see **Theo** because the two had been texting each other earlier that day and night. **Susan** stated that she hadn't been texting **Theo** that day, and that they hadn't made plans to meet up with one another. Rather, when she mentioned that **Theo** also was in New York City that summer, **John** became angry, drove her to the train station, and told her to get out of his car.

Information from Witnesses

Theo Pippins, class of 2014, has known **Susan** since his sophomore year at Williams when he and **Susan** took an art class together. **Theo** and **Susan** have kept in contact since he graduated. **Theo** knows **John** because they were both members of the Ritmo dance group.

Susan told **Theo** about the aforementioned argument that she and **John** had about him during the summer of 2015, about a year after its occurrence. **Susan** told **Theo** that **John** grew jealous when she mentioned his name in a conversation, drove her to the train station, and left her there. Thinking back, **Theo** stated that he does not believe he and **Susan** communicated any less following this incident. On the contrary, he noted that he and **Susan** had grown apart prior to the incident, around January 2014, but actually became closer friends during her senior year (2014-2015).

Katherine Nunez, class of 2016, met **John** and **Susan** during her sophomore year. She and **John** were Ritmo dance partners this past year, although they never spent time together outside of dance practices and events. **Katherine** and **Susan** became friendly during **Katherine**'s junior year, when they were both members of the Kusika dance group.

In the fall of 2015, **Susan** told **Katherine** about a time that **John** became jealous of **Theo Pippins**, **Katherine**'s then-boyfriend, at a time when all three of them were living in New York. When **Susan** told **John** that she had wanted to "hang out with [Theo]" **John** became angry, drove her to the train station and said, "Get out of the car, go spend time with your boyfriend, **Theo**." **Katherine** noted that **John** had nothing to be jealous of, because at the time this incident occurred she (**Katherine**) was in a relationship with **Theo**.

Jackie Lee, class of 2015, knew **Susan** through classes they took together; they also lived together in Dodd House. She vaguely knew **John** through **Susan**.

Susan had numerous conversations with **Jackie** about her difficulties with **John** while the three of them lived in Dodd House. **Jackie** recalls that on one occasion **Susan** complained that **John** became angry at her for spending time with **Theo** instead of him. She recalls that at some point **Susan** relayed to her an argument that she and **John** had involving **Theo** in the summer of 2014, but does not remember any other details.

Elanie Wilson, class of 2015, has been friends with **Susan** since June 2011, when they participated in the same summer program prior to their freshman year. She has also known **John** since her freshman year. **Susan** told **Elanie** that when she participated in the Ritmo dance group, **John** became jealous when she danced with **Theo Pippins** instead of him. **Susan** never relayed to **Elanie** any incident involving **Theo** that occurred during the summer of 2014.

Alleged Policy Violation

Susan perceives John's behavior as demonstrative of his extreme jealousy and manipulation, and resulted in her isolation from her friend, Theo Pippins, and her reluctance to spend time with people other than John. She believes that this conduct amounts to a violation of the College's Relationship Abuse policy.

B. Incident involving Susan's summer 2014 program at Columbia University

Susan's First Interview

As part of her summer program at Columbia University, Susan was supposed to attend a training at the Centers for Disease Control and Prevention ("CDC") in Atlanta for a week. John was angry that she was going to leave, and stated "all the time," "I can't believe you're leaving me." John put so much pressure on Susan to be with him that she could not meet the obligations of the program because she was "too busy, too scared to not spend time with John 'cuz he would get angry." Susan did not write her final paper or complete the program because she was concerned that if she told John that she needed to focus on the program requirements, he "would get angry and start yelling really mean things."

John's Second Interview

As for Susan's program at Columbia, John denied that he pressured Susan to spend time with him or to shirk her responsibilities to train at the CDC. "I wouldn't get angry if she had to leave. It was a requirement for her to go, so I don't know where she's going with that, or coming from." John believed that it was Susan who pressured him to spend time together, and that he encouraged her to do her work on her own time, and to spend time with her friends. John doesn't know whether Susan completed the Columbia program; she had told him that she wasn't sure whether she would complete her final paper.

Overall, John believed that their relationship during the summer of 2014 was fine.

Susan's Second Interview

Susan disputed John's position that he did not pressure her to shirk her program responsibilities, explaining that when she told him that she had to attend a training in Atlanta, he was angry and asked Susan why she had to go. However, Susan also stated that John did not particularly seek out her company that summer either. "I would be the one who went to him. It's not like I would tell him to come to my dorm at Columbia. He came over, like, two or three times, but that was it," she stated.

Alleged Policy Violation

Susan alleges that by pressuring her to spend more time with him, John undermined her ability to fully engage in the summer program, thereby violating the "isolation and restriction" provision of the Relationship Abuse policy.

C. Susan's allegation of non-consensual sex in September 2014

Susan's First and Second interview

Susan's *first interview*. Minutes before the scheduled end of Susan's first interview, Susan recalled an incident when she "didn't want to have sex, but he still did it anyway." It occurred shortly after they moved into their shared dorm room in Dodd House. She was crying while she and John

were having sex, although she doubts that he noticed. He “kind of just forced himself in, and it hurt.”

The Investigator told Susan that she would need to interview her about this allegation in detail when they next spoke. Because the Investigator had little information about the details of Susan’s allegation about this incident, she interviewed John about it following Susan’s second interview. (See John’s third interview.)

Susan’s second interview. Susan provided more information about this allegation of non-consensual sex during her second interview. Within a few days of Susan and John moving into their shared room in Dodd House, they went to a party in their friend Matias Crespo’s room around 10 p.m., and were joined by Giselle Trivino, Charles Chirinos and Corbin Chu, as well as other students who she didn’t know well. Susan stated that Matias and Giselle might have observed and may be able to comment on her state of intoxication at the party.² Susan and John stayed at the party for about an hour, during which time she shot-gunned a beer and had between two and three shots of liquor.

Susan does not remember walking up the stairs to return to her room, or removing her clothes to have sex. She just remembers lying on her stomach diagonally across the two beds that they had moved together. John was on top of her, and she felt confused about why they were having sex.

After John ejaculated, she went to the bathroom to clean herself and noticed that she was bleeding. The next day, she asked John whether they had had sex the prior night because she “just wasn’t sure if what [she] was feeling was real or not” and she “wanted to make sure that [they] did have sex.”

Susan believes that sometime in October, she told her friend, Andrea Estrada, about this situation while they were sitting on a bench by the squash courts. She told Andrea that she felt really uncomfortable when she and John had been having sex because “it was a really different position, and that [she] was crying.” Andrea was really surprised and worried.

Susan stated that this incident was nonconsensual both because she was incapacitated, and also because she did not affirmatively consent.

Unable to provide consent

Susan stated that she was unable to provide consent, and that John should have known this because he saw how much alcohol she had consumed that night; they had never before had sex while they were drunk; she doesn’t remember walking up the stairs from Matias’s room to hers, or taking off her clothes; and, she doesn’t remember agreeing to have sex.

Susan doesn’t know what signs of incapacitation she may have demonstrated. She noted that when she is drunk, she usually stumbles, but because she doesn’t remember walking up the stairs, she has no such memory of whether that happened on this night. She doesn’t remember whether or not she vomited. Although she often slurs her words when she drinks, no one mentioned this to her on that night (nor would she expect this to happen, since she tended to slur her words whenever she was drunk).

² The College contacted Matias Crespo and Giselle Trivino, but they both they both declined to participate in this investigation.

No affirmative consent

Susan stated that she and John always communicated about whether to have sex, and that they also communicated during sex, neither of which occurred on the night at issue. For example, while having sex, they would communicate if one of them was uncomfortable or if either of them wanted to change positions. They didn't verbally communicate about sex at all this night.

Susan believes that John knew that she was not consenting because they had never had sex like that before: "We never . . . just started out from behind." She "just felt really uncomfortable" because she "wasn't lubricated, and it hurt." She kept telling herself, "I don't want this right now" but she couldn't say anything. Susan tried to pull away from John when he was on top of her, but his hands were on her shoulders, and she couldn't move from under him.

Susan recalls that she did not participate in the sex act that night, meaning that she did not kiss him or touch him intimately during it.

John's Third Interview

John recalls that he and Susan attended many parties in Matias Crespo's room, including several at the beginning of the school year. He does not recall any specific party at which Susan became very drunk and/or incapacitated, nor does he recall observing her shot-gunning a beer. During these occasions, he observed Susan drink a moderate amount of alcohol, meaning one or two shots, but never to the point where she became incapacitated. John does not recall any occasion during which he and Susan partied in Matias's room, which resulted in her becoming inebriated to the point of not being able to remember things.

The Investigator read a summary of Susan's complaint about this instance to John. He had the following responses:

- Susan almost always initiated sexual activity. He recalls one such night following a party in Matias's room where they discussed having sex, and Susan retrieved a condom.
- John agrees with Susan that they never began having sex in the rear-entry position – on this night or on any other.
- John stated that because Susan was on the birth control pill, her body often did not self-lubricate, and so they used synthetic lubrication.
- As to whether he and Susan had ever previously engaged in sex while drunk, John stated:

I don't know what she means by not having sex while drunk. Does that mean having one or two drinks and then having sex? I don't know what, what does she mean by that? Because we would, we tended to have sex after going out, a night out at the college and we would have one, two, three drinks. But we were never, we would never have sex when the other one couldn't walk up the stairs, or remember walking up the stairs. But we would have sex after going out in which we had one or two or three drinks.

- John does not recall any of the following:
 - Any occasion on which he was on top of Susan while they were having sex, and she tried but could not remove herself from such a position;

- Susan asking him to confirm that they had had sex the previous night; or
- Susan not kissing, touching, or otherwise participating in their sexual activities.

[REDACTED]

[REDACTED]

Susan's Third Interview

The alleged incident of non-consensual sex occurred on Labor Day in 2014, on the night that Matias Crespo hosted his first party of the semester.

Susan responded to John's contentions as follows:

- Susan estimates that she and John only attended two parties in Matias's room that semester.
- Susan maintained that, with the exception of the September incident, she and John never had sex after consuming any alcohol. She disputed John's contention that on some occasions, they would have sex after drinking between one and three drinks each. She stated that when they went out they would drink to the point of such intoxication that they would throw up together in their room, but they never had sex after drinking.
- With respect to Susan's level of intoxication that night, she believes that John observed her shot-gunning a beer because he was also shot-gunning beers. She also recalls that she was drinking shots of Fireball.³
- Susan's last recollection before engaging in sexual intercourse was of her leaving Matias's room. During sex, she recalls that she was "physically trying" to get away from John by attempting to "shift out from under him," but he was restraining her, using his body weight and strength to "hold [her] down."
- This incident stood out in Susan's memory because it was the only time that she and John did not verbally agree to have sex. She alleges that in all other instances, they would ask each other, "Do you wanna have sex?" and then they would "talk about what position [they] wanted to be in and whatnot, and this was not the case this time. It was just him controlling the situation." Susan disputes that she typically initiated the sexual activity, and asserts that they would both suggest it on other occasions.
- In response to John's contention that they would typically use synthetic lubricant because her body did not self-lubricate, she stated that they did not start using lubricant until the fall of 2015, and that her body sometimes would and sometimes would not self-lubricate.
- During sexual intercourse, Susan did not express to John that she did not want to be having sex. Since that incident, she never communicated to him that she regarded their

³ Fireball is a cinnamon-flavored whisky-based liqueur, containing 33% alcohol.

sexual activity on that night as non-consensual because she didn't want "him to think he was a bad person."

Information from Witnesses

Andrea Estrada, class of 2016, met both **Susan** and **John** in the fall of her sophomore year. She met **Susan** when she joined a dance group called Kusika, and met **John** when she joined a dance group called Ritmo Latino. Andrea became close with **Susan**. She only interacted with **John** at Ritmo gatherings. Andrea does not recall **Susan** confiding in her about any episode of sexual contact with **John** that **Susan** described as either non-consensual or upsetting.

Ava Atri, a rising senior at the College, met **Susan** when she joined Kusika in the fall of 2014. Ava does not know **John** but has seen him around campus and at parties.

Sometime last year (Ava doesn't recall when), she and **Susan** were having a conversation about **John's** verbal abuse of her. Ava asked **Susan** whether **John** had ever abused her physically or engaged in non-consensual sex with her. **Susan** replied, "No, he's never done that. He doesn't do that." However, in May 2016, while **Susan** and Ava were spending time in **Susan's** apartment, she told Ava that the night that she and **John** moved in together in August 2014, they had intercourse even though she was "really tired and not in the mood," and "didn't want to" have sex. At the time **Susan** didn't think it was a big deal and did not consider it non-consensual. Later, she realized that it was a non-consensual sexual activity. **Susan** did not provide Ava with any more details about this incident, and Ava does not know when **Susan** began to regard that sexual encounter as non-consensual.

Eman Al-Ali, who is not a Williams College student, went to middle school and high school with **Susan** in Houston. They remain close and communicate about once every week or two. **Susan** told Eman about her relationship with **John** soon after they began dating.

During the spring of 2015, **Susan** told Eman that **John** had "forced himself on her" when she didn't want to engage in sexual activity with him. **Susan** told her that they had been drinking and, when they returned to their bedroom, he forced her to engage in sexual activity, and she cried during the incident. **Susan** did not provide any details about the incident: "She just said that she didn't want to, but he kept forcing himself. She didn't go into details because she just didn't want to be TMI with me."⁴ **Susan** told Eman that she did not confront **John** about it because she didn't want to anger him or cause a big argument. Eman does not know exactly when this alleged non-consensual intercourse occurred, but believes it was during **Susan's** senior year, and that she learned about the incident "a couple of months or a few weeks" after it happened. Eman is not sure (because **Susan** and **John** frequently broke up and reconciled) but believes that they were not dating at the time of the alleged sexual assault.

Susan told **Elanie Wilson** about this incident in June and July 2016. Elanie had heard about the incident from another friend, who she did not name, and approached **Susan** during a picnic for alumni of color held in New York City on June 18, 2016. She briefly offered her support, and **Susan** requested they talk about it later. They met approximately one month later at a café. **Susan** told Elanie that on one occasion when she had been intoxicated and asleep, she awoke to **John** having sex with her. **Susan** told her when the incident occurred, but Elanie no longer recalls what **Susan** said, although she guesses that it happened during their senior year.

Elanie separately recalled the party that she attended in Matias Crespo's room on September 1, 2014. She remembered that she was in Matias's room for approximately 1 hour and interacted with

⁴ "TMI" means "too much information."

Susan for approximately 10 minutes. Susan appeared intoxicated, as her “speech was a little bit slurred” and her face was flushed. Elanie also recalled that John was at this party, but does not remember his state of intoxication. She did not draw a connection between this party and the alleged incident on non-consensual sex.

Alleged Policy Violation

Susan alleges that John engaged in non-consensual sexual intercourse both because she did not affirmatively consent and because she was unable to provide effective consent due to her level of intoxication.

D. Argument on Mountain Day and canceled trip to Texas in October 2014

Susan's First Interview

While Susan and John were sitting on the bus that was to take them to a college sponsored trip to Mount Greylock. Susan realized that she had forgotten to take her birth control pill and told John about it. John yelled at her to get off the bus to take it, which she did, but then had to take a later bus by herself. When they met at the mountain, John was still angry, and told Susan that she was irresponsible. He refused to talk to her that weekend, even though they lived together. She tried talking to him, and he told her that he hated her. She asked, “Why do you look at me like that, like you wanna hit me?” and he replied, “Because sometimes I do wanna hit you.” Following this exchange, on October 5, 2014, Susan sent an email to Dean Bolton that stated:

I don't know who to turn for this because it seems from the outside like such a dumb problem. I have a boyfriend who I have been dating for almost a year here at [W]illiams, and I don't know if how he treats me is right or if I'm just overly sensitive. For instance, when something goes wrong, he gets angry and tells me that the wrong thing that happened to me is what I deserved. Or he gets angry and tells me he hates me, or that he wishes I didn't exist. He then apologizes. But last night we had a fight over something stupid. He ended up calling me selfish and telling me he can't even look at me. These things greatly affect me, and there is no one I can turn to because people brush it off. And we have the same group of friends. I really need to leave school for at least a week to gather my life and thoughts. I feel trapped. I hope you can help me. **Exhibit A.**

Upset by John's treatment of her, Susan bought a bus ticket to New York City, and an airplane ticket to Houston, where she is from, where she planned to stay with a friend. When Susan was at LaGuardia waiting for her plane, John called wondering where she was. She explained that she was flying to Houston because he had been mean to her. When John told Susan not to leave (and that he would pick her up in Albany the following day), Susan agreed because she didn't want John to be angry with her.⁵ Dean Bolton told Dean Reyes about Susan's situation, and Dean Reyes followed up with Susan when she returned to campus. John, who was monitoring her texts and iMessages, later confronted Susan about meeting with Dean Reyes about him. **Exhibit B.**

John's Second Interview

John recalls that he and Susan had an argument on Mountain Day because when she, by her own choice, got off the bus to take her birth control pill, he didn't ask the bus driver to wait for her. However, John didn't have any control over when the bus was going to leave. John denies that

⁵ Susan paid for a hotel near LaGuardia that night. John bought her a train ticket from New York to Albany, where he picked her up the next day.

he told Susan to get off of the bus to take her pill, stating that it was her choice, nor did he call her irresponsible for forgetting to take it. The two didn't talk much the rest of the day, but reconciled once they returned to the room that they shared.

John denies that he told Susan that he hated her. Likewise, he denied that he told Susan that wanted to hit her: "That is not correct at all. I would never say that, and I never said that to her."

At some point following this argument, John called a "very emotionally unstable" Susan, and while crying, she told him that she was at LaGuardia waiting for a plane to take her home to Houston. (He denies that she told him that she was going home because he had been mean to her.) Susan stayed in an area hotel, and he paid for her to take a train to Albany the next day, where he picked her up at the station.

John denies that he monitored Susan's text messages and discovered that she had told Dean Reyes about their troubles, or that he confronted her for doing so. John alleges that Susan disclosed this fact to him, and that when he asked her why she had done that, she did not have an answer.

Susan's Second Interview

Susan disputed John's position that she chose to get off the bus after realizing that she had forgotten to take her birth control pill, and she reasserted that he forced her to do so.

Susan denied telling John that she had disclosed their relationship problems to Deans Reyes and Bolton, and reasserted that he discovered her communication with the deans by reading the iMessages she had written to Giselle Trivino about it. It was John who confronted Susan about her communications with the deans: he told her that he wasn't stupid, and that he'd seen her messages while using her iPad. Susan deleted everything from her iPad so John would no longer have access to her communications.

Susan's Third Interview

Susan clarified that John read her iMessage communications with Giselle Trivino, which revealed that she planned to meet with Dean Reyes, in December 2014. Susan further recalled that John complained to their mutual friend, Matias Crespo, about Susan's meeting with the deans. John told Matias, "Susan fucking reported me to the deans."

Information from Witnesses

Susan told Eman Al-Ali about an argument that ensued between her and John during a bus trip. Susan had forgotten to bring her birth control pills and, even though she could have easily taken the pill when she returned to campus the same day, John became angry and made her get off the bus to take the pill right away. Eman recalls neither when Susan told her about this incident nor when Susan alleged that it occurred.

Carolina Hernandez, a rising senior at University of Pennsylvania, was mentored by Susan when they were in high school together in Texas. They remain close.

In October of 2014, Susan sent Carolina a text message, stating that she needed to get away, and asking if she could stay with her in Philadelphia. At this point Carolina only knew that Susan was dating John but did not know anything about their relationship. Susan further texted that she didn't feel safe because her boyfriend was being abusive and getting very physical with her. The

two of them exchanged between 10 to 15 text messages about this particular incident.⁶ Susan's text messages alarmed Carolina because Susan was not usually this emotional. "She's not one to over exaggerate things," Carolina stated, so this exchange, "really raised a red flag." Carolina believes that Susan flew to Houston instead of coming to Philadelphia. She does not know why Susan changed her mind but suspects that Susan was "extremely freaked out or just scared to the point" that she needed to go home. Upon hearing about Susan's decision not to visit her, Carolina texted her, asked if everything was okay, and Susan responded, "Not really but I'm getting myself out of the situation."

Dean Rosanna Reyes. On Sunday, October 5, 2014, Susan notified Dean Bolton by email that she needed to go home for at least a week because of a problem with her boyfriend. **Exhibit B.** Dean Bolton forwarded that communication to Dean Reyes, who followed up with Susan by phone that same day. Susan told Dean Reyes that she had gotten into a "really bad argument" with John and "felt like she needed to get away." By the time Dean Reyes spoke to Susan, she had already booked her flight from New York to Texas, where her family lives, and was getting on a bus headed for New York. To Dean Reyes's knowledge, Susan did not end up going home, and stayed with a friend in New York City instead. Susan met with Dean Reyes in person on October 23, 2014 to discuss what had prompted her to leave campus. Susan cried and appeared to feel embarrassed about the situation. She told Dean Reyes that she "couldn't understand how it got this bad and why she just couldn't leave [John]. The next time Susan met with Dean Reyes was on December 9, 2014. Susan ignored several of Dean Reyes's requests to meet, which concerned Dean Reyes, particularly because Dean Bolton had informed her that Susan had shared her suspicions that John was monitoring her emails.

Alleged Policy Violation

Susan alleges that John manipulated her into canceling her flight to Houston and, ultimately isolated her from her friends and family. She believes that this behavior amounted to a violation of the Relationship Abuse policy.

E. Alleged argument, physical altercation and lock-out on January 23, 2015

Susan's First Interview

Susan and John were eating dinner together at Mission, and she was facing him, with her back to the room. All of a sudden, an angry John stated, "I hate it when you look at me. I hate it." At some point later that night, John "got over it," and started "playing around" with her, and grabbed her by the arms and shook her. When she told John that he had hurt her, he became angry that she was hurt. Following this argument, she went to a birthday party, and John did not come. When she returned to their shared room at the end of the night, John had locked the door while he was inside, knowing that she never carried keys. Susan could hear John watching TV inside their room, but he wouldn't answer the door when she knocked. She tried to use a hidden spare key, but it had putty on it so she couldn't unlock the door to access her room. She slept in a friend's room the next two nights. Matias Crespo, a mutual friend of Susan and John's, reported John's behavior to the Dean's office. Dean Reyes reached out to Susan, but she refused to talk to her because was "terrified" that John would find out.

⁶ Carolina, who got a new phone after exchanging these text messages with Susan, no longer has access to them. Likewise, Susan told the Investigator that she does not have any text messages dating back to 2014.

John did not attend Susan's birthday party, which occurred during the time period when they were not speaking to each other.

John texted Susan two days after this incident, and they met for lunch, at which time he apologized for his actions, explaining that he had acted irrationally because he had been hungry. They resumed living together.

John's Second Interview

As to the argument in Mission that Susan described, John denies that he has ever told Susan that he hated her. He further denies that he ever grabbed her by the arms or shook her.

John recalls that following an argument, Susan did not sleep in their shared room on two nights. On the first night, Susan stayed in her friend's room after attending a party that John did not attend. He does not know why she stayed in her friend's room on the second night. John doesn't believe that he locked the door to their room, but notes that if he did, it would not have prevented Susan from accessing their room because the two kept a spare key hidden under the door frame. While acknowledging that they used putty to hold the key, he stated that the putty came off very easily, and would not have prevented Susan from using the key.

As Susan described, a few days later, John invited Susan to lunch while they were working together at the hospital over Winter Study. At the time, they still were not talking, and he wanted to reconcile with her. He denies that he apologized for anything, and doesn't recall blaming the argument on him being hungry.

Susan's Second Interview

Following the dinner in Mission on January 23, 2015, Susan and John went back to their room, where they continued to argue. Susan does not recall what they argued about: "I have no idea. I think it was just me asking him why he was mad, and why he would get moody, and why he would always just not give me a reason as to why." After the argument, Susan decided to attend a friend's birthday party without John. Susan stated: "John got up, and we started talking, and started arguing, and he grabbed me by the arms, and he started shaking me. And then his nail pinched me, so I started crying, 'cuz I was just, like, upset, the fact that he was grabbing me, and at the fact that he had pinched me. But he's like, 'Why do you have to make everything about yourself?'"

When Susan returned to her room after the party, she could not enter it because John had locked the door.

Susan disputed John's position that he did not lock her out of their shared room, or that he didn't know that she was attempting to access it. Matias Crespo was with her while she tried to use the spare key that the parties hid above the doorframe, and must have heard the TV playing in the room, signifying that John was in the room and ignoring Susan's attempt to enter. Unable to get the putty off the key, Matias suggested that Susan sleep in Giselle Trivino's room. Neither Matias nor Susan tried to call John because they knew that he was angry and believed that he wouldn't respond to their call.

Giselle let Susan borrow clothes, and she slept in Giselle's room that night. The next day, Charles Chirinos, John's neighbor, told Matias when John was going to be at work, so Matias took that opportunity to enter the unlocked room to retrieve some of Susan's belongings. That night (January 24, 2015) Susan stayed with another friend, Kelly Wall.

On January 25, 2015, Matias, who didn't want Susan to return to the room she shared with John, coordinated for Susan to stay in the room of a friend who was not on campus during Winter Study,

Jackie Rodriguez. That night, Matias contacted the Dean's Office, and together, he and Susan told Dean Dave Johnson about John's mistreatment of her.

John's Third Interview

John believes that following the argument during Winter Study argument, Susan did not sleep in their room for two nights. He learned from Susan that she had stayed in Giselle Trivino's room, but was not aware that she also stayed in the rooms of Kelly Wall and Jackie Rodriguez.

If their mutual friend, Matias Crespo, accessed the room to collect some of Susan's belongings, he did not do so in front of John, and John had no knowledge of it.

Susan's Third Interview

When asked whether she told anyone that John had grabbed, shook and pinched her, she said that she told Matias and Giselle.

The Investigator asked Susan whether she and John ever replaced the key that couldn't be used because putty was stuck to it. She stated that they didn't replace the key, but that later, she "spent hours just taking it off . . . scraping it off, little by little."

Information from Witnesses

Susan shared with **Dean Reyes** an occasion on which she and John had argued, and he either asked Susan to leave their room or she left on her own and he locked her out. Because she didn't have her things, she had to stay with a friend. John then tried to get her to come back to their room, but she refused. Dean Reyes believes that this incident occurred in October 2014, but is not confident about this date, and it could have occurred in January 2015. Dean Reyes recalled that on January 24, 2015, Susan emailed her, stating, "John is moving out. And I really can't handle this anymore." **Exhibit B.** Dean Reyes believes that Susan sent this email after another argument with John, when she felt like she could no longer share the same space with him. Dean Reyes advised Susan about the process for getting John a new room. When Dean Reyes did not hear back from Susan, she emailed her on February 12, 2015, suggesting that Susan meet with Meg Bossong for advice and support. Susan replied the same day, "I would really just like to give this a rest. I've realized I should keep my relationship to myself and talk to John rather than other people." **Exhibit B.**

Susan told **Eman Al-Ali** that on one occasion John had locked her out of their shared room, and she had to sleep elsewhere.

Susan told **Theo Pippins** that in January 2015, she was frustrated with John and couldn't take his verbal abuse anymore, so she stayed in a friend's room. Susan stated that she intended to break up with John and was taking steps to separate herself from him. She then requested that Dean Bolton reassign her to a different room.

Alleged policy violation(s)

Susan alleges that John restricted her access to their shared room by locking the door, and then refusing to open it for her. Susan also believes that John locked her out because he was jealous that she wanted to spend time with her friends. She believes this conduct amounts to a violation of the Relationship Abuse policy.

Susan also alleges that John grabbed her, shook her, and pinched her skin with his nails during an argument, which she believes amounts to a violation of the Dating or Domestic Violence policy in effect during the 2014-2015 academic year.

F. John's allegation that Susan accessed his Facebook and Snapchat accounts without his permission in January 2015 and January 2016.

John's First Interview

John's sister, Lady Doe told him that Susan had confided in her that she had "hacked" his Facebook account to keep track of who his communications with other women. Susan implied to Lady that she frequently accessed his Facebook account without permission. Lady told John about this during a December 6, 2015 phone conversation. See Section IV(M).

In January 2016, John received a notification that his Snapchat account had been accessed from Bogota, Colombia, where Susan was spending the holidays with her family.

John denies that he gave Susan permission to access any of his social media accounts. He believes that she was able to access them because she knew his Netflix password, which he also used for Facebook and Snapchat.

Susan's Second Interview

Susan denies that she attempted to access John's Snapchat account when she was visiting family in Colombia over the 2015/2016 winter break. Susan stated that she did not have access to John's login credentials, and that although he had entered his Netflix password into her computer and TV, she didn't know what the password was.

Susan denies that she admitted to John's sister, Lady, that she had hacked his Facebook account to monitor his communications. She stated that on one occasion in 2014, John left his Facebook open, and she discovered that he was communicating with other women. When Susan told Lady about this, Lady became angry at John for talking to other girls while he was in a relationship with Susan.

John's Third Interview

Prior to John's third interview, he provided the Investigator with a January 22, 2015 screenshot of a text exchange that Susan had had with his sister, Lady Doe. In that communication, Susan shared with Lady a screenshot of a Facebook conversation that John had had with another woman on January 19, 2015. Exhibit C. John learned of this incident from Lady a few weeks after it occurred. He surmises that this was only one of many instances in which Susan accessed his social media without permission.

John does not believe that Susan was able to access his Facebook account because he left it open. He stated that he usually accessed Facebook through his phone, which locks as soon as the screen turns off. He rarely accessed Facebook through his computer, and when he did, the screen locked two minutes after the computer was idle.

Susan's Third Interview

Susan acknowledged that her Facebook exchange with Lady could have occurred January 2015. She found John's Facebook messages with another woman when she accessed his account on his computer, and sent screenshots of their chat to Lady Doe. Exhibit C. She had the password to John's computer because she regularly used it to print because it was the only computer

connected to the printer. Susan reasserted that she did not have John's Facebook password. She was able to access his Facebook account because he had not signed out of it.

Information from Witnesses

Susan told Jackie Lee that she had accessed John's Facebook account and discovered that he had been communicating with another woman. Jackie does not remember whether Susan told her how she was able to access John's Facebook account.

Lady Doe, John's older sister, had a close relationship with Susan while the parties were dating. Lady recalls two occasions on which Susan admitted to her that she had "hack[ed] into his [social media] accounts." Following these admissions, Susan complained to Lady that John was communicating with other women. The first occasion, according to Facebook messages she exchanged with Susan, was in January 2015. **Exhibit C**. The second time was in December 2015 or January 2016, when Susan was visiting her family in Colombia. Lady dropped her off at the airport in New York, and thought everything between Susan and John was fine. However, while Susan was in Colombia, Lady learned that the parties had had another argument over the phone relating to her invasion of his privacy.

Alleged Policy Violation

John alleges that Susan violated his privacy by accessing his social media accounts without permission. John believes that this incident amounts to a violation of the Stalking policy, which prohibits "surveillance and other type of observation." and was in effect during both the 2014-2015 and 2015-2016 academic years. Moreover, John alleges that Susan's conduct demonstrated her extreme jealousy and amounted to a violation of the Relationship Abuse policy.

G. Zipcar incident in February 2015

Susan's First Interview

On several occasions, John pressured Susan to use her Zipcar membership to take him to Albany to get a haircut, which cost her about \$50. He didn't repay her, but she never objected because she feared that he would get really angry. On one occasion, Susan planned to take John to get his haircut, but the person who should have returned the Zipcar for her use had failed to do so. She stated: "[H]e just got really angry at me and said it was my fault, and that I had one job, and that I couldn't do my one job correctly."

John's Second Interview

Although John and Susan on occasion went to Albany together, he always shared the Zipcar expense and never got angry when she asked him to contribute. John likewise denies that he became angry when a prior user returned the Zipcar late, and that he never insinuated that she had one job to do and had not done it properly. "That doesn't even make sense, because it wasn't . . . her fault." As John recalled, Susan cancelled the Zipcar reservation because the car hadn't been returned. They rescheduled the Zipcar and went to Albany later that day.

Susan's Second Interview

Susan confided in her friend, Jackie Lee, about this incident, who described it as "ridiculous and manipulative." Susan disputed John's explanation that he would not have gotten angry with her for something that was beyond her control. She stated, "He would always get mad at me for things that were out of my control."

Information from Witnesses

Susan told **Ava Atri** that **John** wanted to get a haircut before the 100 Days Dance, and she had reserved a Zipcar for him to drive to get his hair cut. Ava does not remember any details associated with this event, other than that “there was a problem with the Zipcar and he got upset,” which ruined Susan’s experience at the dance.

Jackie Lee stated that Susan had not told her about an argument that she and **John** had had about a Zipcar.

Alleged policy violation

Susan alleges that **John** manipulated her by becoming upset and angry about the cancelled Zipcar reservation, and therefore violated a provision of the Relationship Abuse policy that prohibits threats and intimidation.

She also alleges that **John** coerced her into spending money on him, and then refused to reimburse her, which violated the provision of the Relationship Abuse policy that prohibits resource abuse.

H. Incident during the 100 Days Dance (on the same day as the Zipcar incident) in February 2015

Susan’s First Interview

Susan brought **John** as her date to her 100 Days Dance. They had an argument, and she told him that she wanted to leave the party because they weren’t enjoying it. **John** and **Susan** walked towards the door, but as she walked out of it, he stayed at the door and said something like, “Oh, you can’t come back in now.” (Susan stated that once a person left the dance, the College did not allow reentry.) At the time that **John** tricked **Susan** into leaving the dance without him, he knew that she did not have her phone or ID with her because he was holding them. Without these things, she was forced to sit outside of her dorm (Dodd House) in 19-degree weather, in only a dress and heels, as she waited about an hour for someone to come by to let her in to the building. She didn’t know how to reach security. Eventually, someone who lived in her building saw her and let her inside. This person told **Susan** that she looked purple; he put his jacket around her, and brought her to her room and turned on the bathtub. He stated words to the effect of, “You don’t deserve this. You don’t have your phone. You don’t have your ID.” When **John** returned later that night, he went to bed without mentioning what had happened.

John’s Second Interview

John and **Susan** argued at the dance (he doesn’t recall what about), and were not spending time together. At a certain point, **John** noticed that **Susan** had left the party, and he stayed. **John** denied knowing that **Susan** did not have her phone or ID, noting that she typically carried both with her (“She needs her ID for everything, regardless of if she’s wearing a party outfit or not.”)

John did not consider whether **Susan** would be able to access their shared room. However, she later told him that she waited outside of Dodd until someone swiped her into the dorm. He does not recall **Susan** being angry about this.

Susan’s Second Interview

Susan waited outside of Dodd House rather than looking for someone to let her into the building because she expected that someone would come by sooner than the one hour she waited. **Susan**

did not walk to Campus Safety and Security (“CSS”) because her feet hurt from the high heels she was wearing, and it was too cold to walk barefoot.

Information from Witnesses

Owen Kay, a rising senior at the College, lived in Dodd during his sophomore year, when the parties shared a room there. Owen recalls one night in the late winter or early spring of 2015 when he encountered a woman, who he later learned was **Susan**, sitting on the steps by the building, wearing only a dress. He did not know **Susan** before meeting her on that occasion, and has not interacted with her since. She appeared to be crying and her skin looked purplish-blue. She did not say anything to him as he came up to the door, so Owen asked her if she wanted to be let in, and she said yes. When they walked inside, she told him that she saw her boyfriend cheating on her at the dance, and that she had tried to return to the room they shared, but her boyfriend had her phone, keys, and ID, so she could not get into the building. They stood in the lobby and spoke for about 10 to 15 minutes, though he does not remember any other details about why she was upset. He remembers that he put his fleece on her and held her hands to warm them. He then walked her back to her room, and she told him that she would be taking a warm bath.

Jackie Lee recalls that approximately one or two weeks after the 100 Days Dance, **Susan** told her about an incident that occurred at the dance. According to **Susan**, she and **John** were arguing and she wanted to leave while he wanted to stay at the dance. **John** opened the door to make her leave, and **Susan** walked out, thinking that **John** would follow her. However, **John** closed the door behind her, and she could not get back into the dance because **John** had her ID. **Susan** walked home in the cold, and waited outside her dormitory until someone opened the door for her.

Alleged Policy Violation

Susan alleges that by manipulating her into leaving the dance alone, **John** effectively denied her entry to their shared room, which violated the Relationship Abuse policy.

I. Incident involving possession of alcohol during a Ritmo party in March 2015

Susan’s First Interview

John was the social chair of Ritmo Latino, which made him responsible for collecting money to buy alcohol for parties. **John** often made **Susan** pay for the alcohol with her credit card (ostensibly, because students had not paid him), and he became angry with her when she asked him to repay her. He said, “Here’s your money so you can stop bitching about it.” She became afraid to ask him to repay her, so she stopped asking.

During the spring of 2015, **John** purchased alcohol on behalf of Ritmo, and the group was later caught with two handles of alcohol. **John**, who had faced disciplinary sanctions for an incident that occurred when he was a freshman, told **Susan** that she needed to take responsibility for buying the alcohol because he might be expelled if the College learned that he had purchased the alcohol. **John** coerced **Susan** into making a report with CSS that she was the person who bought and transported the alcohol – even though she hadn’t bought the alcohol, wasn’t at the party, and hadn’t even been invited to it.

John’s Second Interview

John acknowledged that sometime around March 2015, he bought the alcohol for a Ritmo party, and that CSS confiscated it before anyone consumed it. The next morning, **John** told **Susan** about what had happened, and because she knew that he had a prior disciplinary record, she volunteered

to take the blame for it. **John** tried to convince her not to do so, but she insisted. He stated, "I in no way pressured her to do that. She wanted to do that."

Once or twice, **Susan** purchased alcohol for him on her credit card, but **John** always repaid her. He denies that he gave her a hard time about repaying her, or that he said, "Here's your money so you can stop bitching about it," as **Susan** alleged.

Susan's Second Interview

Susan stated that she saw **John** at a party shortly after he had been caught with the alcohol that he had bought for Ritmo. He complained to her that the College was going to expel him because he had a prior disciplinary infraction. The next morning, **John** manipulated **Susan** into agreeing to tell the College that she had purchased the alcohol so he wouldn't be expelled.

She disputes that she offered to take responsibility to help **John**. "Why would anyone volunteer to do that, especially when I was applying for jobs at the time, and that I was applying for jobs at the College at the time. Why would I put myself in that situation voluntarily?"

Information from Witnesses

Naomi Fields, class of 2015, was in the Kusika dance group with **Susan** for four years. She does not know **John** personally. **Susan** told **Naomi** that **John** asked her to purchase alcohol for a Ritmo party, and to take responsibility when he got caught because he already had a disciplinary infraction. **Naomi** is not aware whether **John** pressured **Susan** to take the blame for providing the alcohol or if she volunteered to do it. **Susan** further told **Naomi** that **John** did not pay her back for the alcohol.

Susan told **Ava Atri** that she took the blame for buying alcohol for the Ritmo party because she didn't want **John** to get in trouble. **Ava** does not recall whether **Susan** told her that she had volunteered to do this or whether **John** had pressured her into it.

Theo Pippins recalls **Susan** telling him that she took responsibility for purchasing alcohol for a Ritmo party, and that **John** did not reimburse her. Whenever **Susan** would ask **John** to repay her for things, he would get upset with her. **Theo** is not sure if **Susan** offered to take responsibility or whether **John** forced her to do so.

Jackie Lee recalls that in March 2015, **Susan** told her that **John** "guilted her" into taking the blame for providing alcohol for a Ritmo party. According to **Susan**, **John** said he would get in trouble and might even be expelled if he was found responsible for purchasing the alcohol.

Dean Reyes recalls **Susan** mentioning that she took responsibility for purchasing alcohol for a party so that **John** would not get in trouble with the College. **Susan** felt like she had no choice but to take the blame because **John** told her that due to a prior disciplinary issue, the College might expel him for this violation.

Alleged Policy Violation

Susan alleges that **John** violated the Relationship Abuse policy by coercing her to take the blame for the purchasing alcohol for the Ritmo party. **Susan** felt like she had no other choice because **John** told her he would be expelled if he was found responsible for purchasing the alcohol.

J. Disputes involving money in August and September 2015

Reimbursement for rent and other amenities

Susan's First Interview

Following Susan's graduation, she returned to Williamstown to work in the Alumni Relations Office. John lived with her for a few weeks before classes started, and was angry that Susan's landlord made him pay \$200 towards rent. He wanted Susan to pay for him to live with her, stating, "You make more money than I do. Why should I have to pay anything?" After this, Susan felt like she couldn't ask John to contribute to shared expenses, like groceries, even though she cooked for him several nights a week.

John's Second Interview

When Susan's landlord asked John to contribute \$200 towards rent, he asked Susan to advance him that money until his parents gave him his monthly stipend, and he repaid her once he had sufficient funds. He denies that he said to her, "You make more money than I do. Why should I have to pay for that?"

Susan's Second Interview

Susan disputed that John only asked her to advance him the rent payment. "[He] would never ask his parents for money, 'cuz he was too embarrassed to. That's not true." When the Investigator told Susan that John stated that his parents gave him a monthly stipend, meaning that he did not have to ask them for money, she stated, "I don't remember that."

Information from Witnesses

Susan told Naomi Fields that she would often buy and prepare food for John which placed a financial strain on her. In response to Naomi's suggestion that Susan ask to be reimbursed for such expenses, Susan would brush it off and say that "he probably wouldn't" pay her back.

Susan told Theo Pippins that when she lived in an apartment while working for the College, she spent the majority of her budgeted food allowance on John. John expected her to buy him certain goods, and whenever she asked to be reimbursed, he argued with her.

Alleged Policy Violation

Susan alleges that by refusing to contribute to their shared expenses, and by manipulating her into feeling guilty for asking him to reimburse her for their shared expenses, John's conduct violated the Relationship Abuse policy that prohibits resource abuse.

Reimbursement for purchase of iPad mini

Susan's First Interview

Susan bought John an Amazon tablet for his birthday, which was on August 30th. John thought that the one she bought him was too small, so he insisted that she return it and order two other tablets for comparison. He didn't like any of the three tablets that she had purchased for him, and so she ended up returning all three. John then told Susan that he wanted an iPad mini, which cost more than she wanted to spend. She worried that if she didn't buy the iPad mini, John would say something like, "You don't love me. You never did."

John Second Interview

Susan had decided to buy John a Kindle tablet for his birthday. When it arrived, both she and John were unsure whether the screen was big enough, so she offered to return the first tablet and buy one with a bigger screen. When that arrived, he was still “indecisive” about it. John, who had been using Susan’s iPad mini, decided that was the device that he wanted. Because Susan had set a budget of about \$150 to spend on his gift, he paid her the difference between what she had planned to spend and the cost of the iPad. This transfer of \$160.45 to Susan is reflected on his September 2015 bank statement. **Exhibit D.**

Susan’s Second Interview

Susan acknowledged that John may have paid for part of the difference between the cost of a tablet and the iPad mini.

However, John also made Susan buy and return several tablets, such that she had charges for multiple devices on her credit card, and she had to go through the trouble of returning the tablets he didn’t like. She explained, “The point is [what] he made me go through, he was dissatisfied with the gift.” Susan’s purchases of three Amazon Kindle devices, using a gift card, are reflected in Susan’s Amazon receipts. **Exhibit E.**

In an email that followed this interview, Susan sent the Investigator her bank statements and Apple order receipt, and noted that John’s transfer of money to her dated September 11, 2015 for \$160.45, which he said was towards the cost of the iPad, was actually a transfer to reimburse her for things that they bought at Walmart on September 8, 2015.⁷ **Exhibit E.** She noted that John’s transfer of \$160.45 did not coincide with her purchase of the iPad several weeks later, on September 29, 2015. **Exhibits E and F.**

John’s Third Interview

The Investigator asked John to respond to Susan’s contention that John’s September 8, 2015 bank statement showing a transfer to Susan could not have been for partial payment of an iPad because she did not buy the iPad until weeks later, on September 29, 2015. **Exhibits E and F.** John transferred the money to Susan two to three weeks in advance of her purchase of the iPad and the transfer reached her account on September 11, 2015. **Exhibit D.** Susan had planned to purchase the iPad earlier, but it took her several weeks to resolve a problem with an Apple gift card she was using, such that the purchase date was several weeks later than she had anticipated. He also denied that the money transfer was for items that they had bought at Walmart: “That’s just an insane amount of money for me to be buying at one, in one purchase at Walmart.”

Susan’s Third Interview

Susan responded to John’s contention that he would never spend such a large sum of money at Walmart. She recalls that because it was the beginning of the semester he bought “a lot of big items,” including an ottoman and food. She no longer has the Walmart receipt of her September 8, 2015 purchases.

⁷ John’s bank statement reflects that he transferred money to Susan on September 8, 2015. Her bank statement reflects that this sum cleared her account on September 11.

Information from Witnesses

Susan told **Jackie Lee** that she bought **John** several tablets, but that he wanted her to get an iPad mini instead. Jackie does not recall what Susan said about this incident, but thinks it had something to do with **John** not reimbursing her for it.

Alleged Policy Violation

Susan alleges that **John** pressured her to spend more money on a gift than she wanted to spend, which violated the Relationship Abuse policy that prohibits resource abuse.

K. Incident during First Chance Dance in November 2015

Susan's First Interview

John took Susan as his date to the First Chance Dance. At the dance, some of Susan's friends said, "Oh, is this the dress that you told me about? It's really cute." At this, **John** became angry and accused Susan of planning to spend the night of the dance with her friends instead of him. He told her, "I'm gonna go grab my coat and I'm gonna leave, and you're not gonna follow me home, and you're gonna grab your car keys and your coat, and you're gonna go home." Later, Susan's friends texted her, asking where she was, and letting her know that **John** had returned to the dance. **John** didn't talk to Susan for several days, but then showed up at her house at 3 a.m. and entered her unlocked apartment while she slept, and made an excuse like, "Sorry, I was hungry."

John's Second Interview

While **John** recalls that he and Susan had an argument at the dance, he denies that it was because he was jealous that she wanted to spend time with her friends. Rather, he stated that she became angry at him because she wanted them to dance together, and he did not want to do so.

Following this argument, **John** told Susan that he was going to leave the party, and he did so. Once he left, he noticed that he had her license, so he went back to the party, presuming that she would be there. However, she wasn't, so he again left the party and he later found Susan sitting in her car outside of Paresky. He returned her license; he returned to his room and believes she also went home.

Susan's Second Interview

Susan disputes that she became angry at **John** because he did not want to dance with her. She stated that Naomi Fields witnessed **John** walk away angry after she (Naomi) complimented Susan's dress.

After **John** walked away angry, Susan waited for him outside the bathroom. They sat down and he yelled at her to grab her coat and keys, and said, "You're gonna drive home, and you're not gonna follow me home." He also stated, "I can't believe you made plans to be here with your little friends. Don't go telling your little friends about me and making me look bad." Susan left the party and sat in her car crying and talking with Katherine Nunez for the next two hours.

Information from Witnesses

Katherine Nunez briefly interacted with Susan and **John** at the First Chance Dance in 2015, but it quickly became clear to her that **John** "didn't want [her] to be around them," and "made it really awkward" for Katherine, who left them alone. Approximately 30 minutes after this interaction, Susan called Katherine from her car crying and complaining that **John** had "gotten

mad at her for talking to other people.” Katherine, who also was upset for other reasons, joined Susan in her car, and a “hysterical” Susan told her that John had “gotten mad that she had shown people the dress that she was planning on wearing” to the First Chance Dance. Susan appeared “really, really upset” and they sat in her car “for a really long time” and cried.

Naomi Fields did not attend the First Chance Dance in November 2015, but recalled that she attended it in November 2014. She remembers remarking that Susan had a nice dress, and then dancing with Susan. After a short while, she observed John and Susan arguing and departing the dance together. Within the next few days to weeks, Susan told Naomi that she and John had argued because he was unhappy that she was dancing with her friends instead of him.

Alleged Policy Violation

Susan alleges that John forced her to leave the First Chance Dance because he had wrongly assumed that she preferred to spend time with her friends at a dance where she was his guest. She believes that this conduct violated the Relationship Abuse policy that prohibits exhibitions of extreme jealousy.

L. Susan’s allegation that John interfered with her work obligations and asked her to write academic papers for him

Susan’s First Interview

As an Alumni Relations employee, Susan was tasked with meeting students, something she described as “student-facing.” Sometimes, these meetings happened at places like Tunnel City, and over the summer, at a golf tournament. In these situations, John would become angry and jealous that she was not spending time with him, and he said things like, “Why aren’t you spending money on me? Why do you have to meet with them?” He followed these statements with ones like, “Just leave me alone so I don’t say mean things to you, or so I’m not mean to you.” Susan either avoided her work obligations, or attended them, and later absorbed John’s anger towards her.

Beginning in the fall of 2015, John pressured Susan to write academic papers for him – not because he couldn’t do so himself – but because he wanted to do other things, like watch a basketball game.⁸ He would say things like, “If you do this, do this because you love me. If you don’t do this, you don’t love me.” Susan would shirk work obligations to write and edit John’s papers out of fear that he would be angry with her if she refused. Susan stated, “I felt bad about it, but then again, I would do anything for him. Anything he asked me, I would do it for him. I don’t think it was out of love. I think it was more out of not wanting to get him angry, just to appease him.”

John’s Second Interview

John denies that he was jealous of the time that Susan spent on her job, or that he complained that she was spending time with, or money on, others.

Although John may have said something like, “Leave me alone so I don’t say mean things to you,” he believes that Susan is misconstruing the context. He would have said this to deflate an argument, and not as a threat.

⁸ Susan also alleges that John passed in as his own a paper she had written as a freshman in her Spanish Civil War class.

John also denies that he asked **Susan** to demonstrate her love for him by writing his academic papers. The only way in which she helped him was by editing papers for an upper-level Spanish class, which was something that the professor permitted. He denies that he called her at work or pressured her to help him on short notice.

Susan's Second Interview

On one occasion, **John** pressured **Susan** to finish a paper that she was writing with him, even though she had work obligations. **Susan** stated that she had recently uncovered communications between the two of them that demonstrate that he asked her to work on his papers during her work hours. **Exhibit H(a)**.⁹

Information from Witnesses

Susan told **Jackie Lee** that she had written parts of an essay for **John**. She did not know why **Susan** reported **John** to Dean Bolton or whether the College had disciplined **John**.

On October 13, 2015, **Susan** and **Andrea Estrada** went to Tunnel City, and while discussing **Susan** and **John's** relationship, **Susan** wrote a text to **Andrea** that stated, "I wrote a paper for him." **Exhibit O**. **Susan** wrote this in a text because she did not want to say it aloud because they were in a public place. **Andrea** wrote an email to Dean Bolton about this on March 14, 2016, and attached a screenshot of the text message. **Exhibit O**. **Andrea** saw the issue of **Susan** writing papers for **John** as part of a larger concern she had about the daily things that **Susan** did to take care of **John**. **Susan** had told **Andrea** that **John** often said things like, "If you love me, you'll do this."

Susan told **Ava Atri** that she was writing academic papers for **John**. After **Susan** reported **John** to the College, she gave **Ava** more specific details about how she was helping **John**. **Susan** stated words to the effect of, "Yeah, I got, he got a higher grade than I did for the same paper from the same teacher."

Katherine Nunez stated that she and **Susan** exchanged text messages in which **Susan** told **Katherine** that **John** had asked her to write a paper for him, and **Katherine** told **Susan** not to do it.¹⁰

Theo Pippins stated that prior to the December 5, 2015 argument, **Susan** frequently confided in him that she had helped him with school assignments, and that "he'd ask her to write certain things for him based on time constraints." Following the December 5th argument (see below), **Susan** told **Theo** that on one occasion, **John** copied a paper that she had previously written.

Elanie Wilson stated that when she met with **Susan** in July 2016, **Susan** told her that **John** made her write papers for him. **Elanie** does not recall any other details about this allegation, other than having the impression that **Susan** felt like she had no choice at the time. During the same meeting, **Susan** confided in **Elanie** that her relationship with **John** distracted her from focusing on her job.

⁹ Because **Susan** has blocked **John** on her phone, his information (name, number) is reflected as "No Name." **Susan** retrieved these communications using a text extraction software. She did not have access to these at the time of the disciplinary hearing.

¹⁰ **Katherine** no longer has access to this text message because she got a new phone.

Alleged Policy Violation

Susan alleges that John coerced her into writing papers for him and pressured her to do this during her work hours. She believes that this conduct violated the College's Relationship Abuse policy.

M. John's allegation that Susan slapped him on December 5, 2015

John First Interview

Following John's December 5th dance performance, he attended an after-party in Greylock, where he saw Susan, who was at the party with her friend, Katherine Nuñez. John was confused at seeing Susan because she, as an employee of the College, should not have been attending a student party. Susan appeared to have been drinking: her pupils were dilated, her eyes were watery, her speech was slurred.

Susan approached John and interrupted him as he was talking and dancing with Jacqueline Lane: she seemed frustrated and angry that he had been dancing with a woman other than her. John was hesitant to dance with Susan because he knew she could get in trouble if the College were to discover that she was at a student party, and so he suggested that they leave together. For reasons that John doesn't precisely understand, Susan became angry when he suggested they leave together – perhaps because she wanted to party with him on campus.

They left Greylock and while walking, the argument escalated, and Susan accused John of not spending enough time with her, and she asked him why he asked her to work at the College to be close to him, if he didn't want to spend time with her. John told Susan, as he had before, that she should not have stayed at Williams on his account. When John told Susan that he wanted to go to his room in Hubble, she stated that she also wanted to go home. So, they walked together, since Susan's apartment was on the way to John's dorm.

While walking, Susan continued to instigate arguments with John about why he had convinced her to stay on campus if he didn't want to be with her. John told Susan that she was being immature and should let it go. When they were standing in front of the Bernhardt Music Center, John said, "Honestly, right now I just wanna leave. and it's over for me right now. I just wanna go back home." At hearing this, Susan slapped John's left cheek, with some force, although he wouldn't describe it as a hard hit, and it didn't leave a mark. John asked, "How could you have hit me?" and he walked toward Hubble, and asked Susan to leave him alone. Near the Hollander parking lot, Susan ran in front of John and tried to physically stop him from walking away from her. She continued to do this until they were near the parking lot outside of Dodd Circle. At this point, Susan stated that she wanted to go home, and John used his ID to swipe her into Dodd, where Susan had left her keys in Katherine Nuñez's room. Katherine's room was locked, and John said to her, "I'm just gonna go home now. It'd be best if you just probably walked home." At this, Susan became very angry, and took John's phone from his hand in an attempt to keep him engaged in conversation with her. When John asked Susan to return his phone, she refused, and again stood in front of him, blocking him from leaving. John threatened to report her to security if she did not let him leave, and then started walking towards security. Susan began running towards her house, his phone still in her hands. John returned to Hubble.

The next day, John awoke to two Facebook messages: one from his sister, who expressed concern for him, because Susan had called her following the prior night's argument. The second was a thread from Susan, first at 1:35 a.m., that stated, "Do you want your phone back. Come get it." **Exhibits I and J.** At 5:49 a.m., Susan wrote a second Facebook message:

I hope you know that I can't forgive you for driving me to this point, and for everything negative you think about me. All I ever wanted for you was the best, and literally all I ever wanted was to dance with you, if that's too much to ask. But now you've said [] all your disdain towards me, and there isn't anything in this world you can do to heal the wound you've made in me tonight, nothing. I've been too forgiving towards you, and I've let so much slide. I'm sorry you think I'm worthless. **Exhibit I.**

At 10:06 a.m. Susan wrote again, "Come get your phone. I need to talk to you. **John** I did something bad . . . I'm sorry." **Exhibit I.** When **John** arrived at Susan's house to retrieve his phone, Susan told him that she had reported him for plagiarism to Dean Bolton, but that she would let Dean Bolton know that her earlier report had not been true. **John** stayed with Susan for about an hour to support her because she was very upset.

After **John** returned from Susan's, he called his sister, Lady Doe . She reported that the prior night, Susan had called her in an emotionally distressed state. Susan told Lady that "she was hurting very badly, emotionally, and that she just wanted to kill herself." Lady told **John** that she was very concerned about Susan, and stayed on the phone with her until she was calm. During this call, Susan told Lady many times that she wanted to kill herself.

Susan's First Interview

Susan's friend, Katherine Nuñez, invited her to a campus party that **John** was attending. She and **John** danced together at the party, then he left, and when he returned, she asked whether he wanted to salsa dance with him. He stated, "Oh, no, sorry. I already asked Jackie [Lane] to dance with me. Go find someone else to dance with." Susan found this very hurtful, since they were dating each other. Later at the party, **John** accused Susan of trying to take his phone out of his pocket, and told her, "We're gonna leave this party right now," and led her out before she had the opportunity to find her jacket.

As they walked towards Dodd House, where Susan had left her phone and keys in Katherine's room, **John** cursed at Susan and said mean things like that she was stupid and that the only reason she was working at Williams was because she couldn't get a job anywhere else. Susan explained how this argument escalated:

I just kept begging him to please stop, and he was just like, "Fuck you," and all these things. And then I was like, "Please stop." And I was just crying, and he wouldn't stop, so I slapped him, because he wouldn't stop. And then he finally stopped. And he's like, "I can't believe you just slapped me."

After Susan slapped him, **John** walked Susan to Dodd, and together they tried to get her things from Katherine's room, but it was locked. Susan became upset that **John** was staring at his phone rather than listening to her, so she grabbed it from him. He began berating her again. She tried to give **John's** phone back to him, but he wouldn't take it, and left, telling her that he was going to report her to security.

Crying, Susan called **John's** sister, Lady, with whom she was very close, and told her about what had just occurred. Lady stated, "I can't believe you're with him. Why don't you break up with him?" Lady had similarly expressed her family's concerns about **John's** treatment of her in a text message conversation a few days earlier. Lady wrote that both **John's** mother and she noticed that "**John** is mean to you." **Exhibit P.**

John's Second Interview

Although John does not know whether Williams prevents its employees from attending student events, he believes this to be the case because a few months earlier, Susan had told him that she was reluctant to attend a party at Rice House over Homecoming weekend because her work would not allow it.

John denied that he said, "Go find someone else to dance with," after he told Susan that he couldn't dance with her because he had already made plans to dance with Jacqueline.

John denies that he led Susan out of the party after they had an argument about her grabbing for his phone. Rather, he stated that he decided to leave the party because they were arguing, he wanted to deescalate the situation, and that she followed him.

When they were walking from the party, Susan complained to John that he had pressured her to accept the Alumni Relations position; that the only reason she had accepted it was to be close to him; and that it was his fault that she was unhappy with her job. He told Susan that he never pressured her. As their argument continued, he stated, "I'm completely done . . . I'm iust gonna go home. I'm done." At this, Susan slapped his face. John denied that he called Susan stupid, cursed at her, or that she asked him to stop being mean to her.

They argued outside of Katherine Nunez's room because John was looking at his phone, and Susan grabbed it from him. He told her that he was going to report her to campus security for hitting him and taking his phone. Susan did not try to return his phone to him; if she had tried to return the phone, he would have accepted it.

Susan's Second Interview

Susan denied that she had consumed any alcohol on the night that they argued, and noted that in fact, John was the one who was drunk.

Susan disputes that John asked her to leave him alone as he was walking towards Hubble, near the Hollander parking lot, and that she tried to get in his way to prevent him from moving on without her.

Susan disputes that the argument occurred when John told her that he didn't want to argue anymore and that he wanted to go home alone. She described him as yelling at her, "waving his arms around," while facing her, and stating things like, "You don't even go here. Fuck you. You're an employee. Fuck you. You couldn't get a job at anywhere else. That's why you stayed here." Susan "kept begging him to please stop," and feeling "really threatened by him," she "slapped him for him to stop, and then he finally stopped."

Outside of Katherine Nunez's room in Dodd House, Susan grabbed John's phone from his hand so he would pay attention to her. Susan disputed John's position that she took his phone and never offered to give it back to him. "I did offer it to him back, but he was being irrational. He ran away. And I wasn't gonna chase after him." She denied that she tried to block him from leaving Dodd House.

Following their argument, Susan, who was "bawling, ugly crying," called Lady, John's sister. She told Lady that John had taunted her and that she couldn't believe that John had pushed her to the point of hitting him. She explained to Lady that she missed her family, that she hated being at Williams, and that she felt isolated.

Susan denied that she had told Lady that she wanted to kill herself.

John's perspective—third interview

John does not have any direct knowledge that Susan was drinking on this night. He surmises it because her eyes were puffy, her pupils were dilated, and her speech was slurred. Furthermore, he had overheard Susan speaking to Katherine Nunez regarding their plan to drink together in Susan's apartment.

Information from Witnesses

Andrea Estrada attended the December 5, 2015 party after the Ritmo performance, but did not witness anything happen between Susan and John. Susan later told Andrea that she and John left the party together, that he screamed at her while they were walking home, and that she reacted by slapping him.

Jackie Lee, who had graduated the year before, was visiting Susan and staying in her apartment on the night of the December 5, 2015 incident. Jackie recalls that while she was out with friends, Susan sent her a text message, asking her not to come back to her apartment that night because she really wanted to be alone. Jackie still came back to the apartment to check on Susan, and found her crying in her room. Susan explained that John had been dancing with another girl, and when she confronted him and asked to speak to him outside, he initially refused but then agreed to speak to her. He grabbed her and pulled her outside, where an argument ensued. John called Susan "pathetic" and a "loser" because she was working at Williams and could not get another job; Susan responded by physically hitting him. Jackie advised Susan not to reconcile with John because they seemed to be in a cycle of breaking up and getting back together. (Jackie recalls at least two occasions that they had broken up and reconciled, but it could be four.)

On December 6, 2015 at 12:35 a.m., John's sister, **Lady Doe**, received a call from a hysterical Susan who was walking home after an incident with John. She told Lady that John had gone to a party without her, and that she had arrived with a female friend. When John didn't want to dance with her or talk to her at the party, Susan grabbed his phone to get his attention. John then agreed to talk to her and they went outside together. John told Susan that things were not working out and that he didn't want to be in a relationship anymore. The two began to argue and Susan slapped him on the face. In response, John said he did not want to talk to her and stopped talking. Susan, who still had John's phone, told him she would only return it if he stayed and continued talking to her. When Susan still refused to return his phone, John told her that he would report her to campus safety that she hit him and took away his phone. Then he ran in the direction of campus safety. Susan told Lady, "My life is over, now he's going to report me for assault, and I'm gonna lose my job, and what am I gonna do with myself." She further told Lady, "You know how many times I've thought of hurting myself? I don't see a reason for living. I wanna kill myself." Lady tried to calm Susan, telling her not to worry because she would speak to John and make sure that he did not report her. Lady stayed on the phone with Susan until she stopped crying and sounded like she had calmed down.

Ava Atri recalls Susan telling her about the incident in which she slapped John. Susan had said that John was "pulling" or physically touching her in a way that made her uncomfortable, and that she hit him in order to get him to stop.

Susan told **Eman Al-Ali** that she had slapped John on their way back from a party because John was saying "rude" and "offensive" things to her. Susan couldn't take it anymore, and so she slapped him. Susan also complained to Eman that John had teased her that she had to work at the College because she was unable to get a job elsewhere. However, Susan did not relay to Eman that the two events were connected, meaning Eman did not know that Susan slapped John immediately after John said this to her.

Susan told **Theo Pippins** that during one argument with **John**, he told Susan that she couldn't get a job anywhere else and that the only reason she was working at Williams was to be around him. This provoked Susan, who in turn slapped **John**. Still upset, she told Theo that **John** frequently asked or begged her to help him with his class assignments when he was falling behind. She told Theo that she was going to report **John** for doing this.

Jacqueline Lane was **John's** dance partner in Ritmo. She recalled Latin dancing with **John** at a party in Greylock in December 2015. Although she also saw Susan at this party, she did not observe Susan confronting or getting angry at **John**. If there was a confrontation, Jackie believes she would have remembered it.

Alleged Policy Violations

John believes that Susan violated the Relationship Abuse policy when she slapped his face during a verbal disagreement.

He also alleges that Susan violated a provision of the Relationship Abuse policy that prohibits "coercion and manipulation" when she told **John's** sister that she wanted to kill herself, and when she told **John** the following day what she had told his sister. **John** stated that he does not believe that Susan actually intended self-harm: "I think she was just saying that to get my attention." He also believes that she "exhibit[ed] extreme possessiveness and jealousy," when she observed him dancing with Jacqueline.

Lastly, **John** alleges that Susan violated a provision of the Stalking policy against "following, pursuing, waiting, showing up uninvited" when she went to the December 5th party "to try to spend time with [him], and if she didn't get her way, she would try in any sort of way to disrupt [his] night ... at the party."

N. Valentine's Day 2016

John's First Interview

John recalls that last Valentine's Day, Susan became "extremely angry" that he was teaching dance lessons rather than spending time with her, and that she tried to make him feel guilty about it. Susan didn't want **John** to leave her apartment, and she was very upset when he did.

Susan's Second Interview

Susan denies that she became very angry at **John** on Valentine's Day of this year because he had committed to teaching dance lessons rather than spending time with her, or that she tried to prevent him from leaving her apartment. Susan stated that she was angry with **John** but only because she felt like he was trying to be nice to her only because he didn't want her to pursue the cheating case against him with the College. She was upset and cried, and tried to rationalize her relationship with him. But she never tried to stop him from leaving her apartment.

Alleged Policy Violation

John believes that Susan's conduct on Valentine's Day is an example of her propensity of "exhibiting extreme possessiveness and jealousy in an attempt to control [him]," and that this conduct violates the College's Relationship Abuse policy.

O. February, March and April 2016 Honor Code Process and Hearings¹¹

John's First Interview

The parties' relationship continued until sometime in February 2016, when Susan confronted John about spending too much time with members of his dance group. He left her room, and she sent him a screenshot of an email that she had received from Dean Bolton on February 10, 2016. It read:

Dear Susan, I just wanted to update you quickly. I've reached out to the faculty who taught the courses for which you've sent me work so they can provide the work that was submitted to them for the committee to compare. One professor is out of the country and was supposed to express mail me something, but I don't have it yet. As soon as that comes in, I'll have the evidence pulled together, and the committee chairs can consider it and will make the specific plan for timing for the committee chairs to present the evidence. I am hoping we can have that meeting on Friday, but I won't be sure until this last piece of evidence comes in. Best, Dean Bolton. Exhibit H(g).

Even after Susan showed John this email, she expressed regret about her communication with Dean Bolton and anxiety over how to proceed. She texted John on February 10, 2016, stating that she would ask Dean Bolton to "pull the plug" because she did not want to participate in the plagiarism proceeding against him. "I can't do this, Wtf is wrong with me," she wrote. Exhibit H(g). John comforted her and suggested that she speak with Dean Bolton in person to recant her allegation. Susan replied, "I might have a panic attack if I do. I just don't want them to think you've been persuading me, because you haven't." Exhibit H(g). Later this same day, Susan sent John a text message expressing her intention to break up with him:

John I honestly don't know what you want from me any more or why you even tried to act like you wanted to be with me. Please, for my good and your own good just let me go. There isn't anything left in this relationship and we both know it. I always wanted to believe in you and work things out but there isn't anything left. You've been acting like you're single for a long time, there isn't any point in making me suffer any more. I know you don't like confrontation but you can't keep hiding from it. You're exhausting. This relationship is draining, I love you to pieces, but this isn't going anywhere. I just wish you were mature enough to talk things out. But I know you can't. So this is me telling you we are done, and please don't try to talk to me because I can't believe anything you say to me anymore. Exhibit H(g).

Two days later, on February 12, 2016, Susan texted John again, writing: "I'm sorry I was so angry. Please talk to me when you're ready. I'm sorry for being such a bitch, I don't know how to handle my emotions any more." Exhibit H(g).

The College did not contact John about the plagiarism allegation until approximately February 18, 2016. The following week, the College convened an Honor Code hearing, which took place on February 23, 2016. At the time of the hearing, the parties were still talking and John still cared for Susan and was concerned for her well-being. But, he stated, "I didn't consider that we were still together or even a friend, friendship, because I believe she just wanted to save face to Dean Bolton and the College for accusing me of this, so she felt inclined to go on with the procedure." He denies that they were intimate with each other.

¹¹ The Investigator understands that the College has addressed these allegations, and that this matter has been resolved.

At the hearing, Susan testified by phone, and presented three essays that she claimed to have written for John. John and his sister, Lady Doe, submitted written statements in support of John. Exhibits Q and R. Later that day, the Student Chair of the Honor Committee informed John that the Honor Committee had found him responsible for one of the three violations of which he had been accused, and that Dean Bolton would contact him in writing about his sanction. Dean Bolton informed John on March 3, 2016 that the Committee had voted to expel him. John told Dean Bolton that he intended to appeal the expulsion.

After John received the disciplinary sanction from Dean Bolton in writing, he decided he no longer wanted to talk to Susan, and stopped responding to her calls and text messages. John, through a cease and desist letter his attorney sent to Susan on March 13, 2016, accused Susan of calling him 41 times, texting him ten times, and leaving various voicemails. Exhibit M.

When the Investigator asked John whether he had communicated to Susan that he did not want her to contact him, he stated, "No. I did not." During the interview, John's attorney reminded him that he sent a message to Susan that stated, "You're the last person I wanna hear from now," Exhibit H(i). John believes that this communication to Susan should have made it clear to her that he didn't want any further communication with her. "I just . . . couldn't believe that what she, what she created was affecting me in that manner. I just did not wanna have any contact with her anymore. I was being expelled from the college for something she created. So I just did not want to talk to her or see her."

The appeal hearing occurred on April 26, 2016. Susan testified in person, and claimed that she had written a paper for John that she based on another paper she had written for the same class when she took it. The Committee contacted Professor Rouhi, and asked her to compare the paper that John submitted for her class with the paper that Susan had submitted earlier when she took the same class. According to John, Professor Rouhi stated that there was "no similarity whatsoever into [sic] them, that they were two completely different writing styles, the content was completely different." Professor Rouhi's email to Dean Bolton about this matter states as follows:

I have read the essays by JD and SS several times, and carefully. I do not see any concrete evidence that J's essay is a plagiarism or re-write of S's essay. This does not constitute evidence that she did *not* write the essay for him, because she could have just written something else for him - obviously it is completely beyond my scope to figure that part out (and I know you are not asking me to!)

But certainly between the two essays that I have seen, there is not sufficient overlap to suggest that one is copied or paraphrased from the other. Any repeated ideas are 'common knowledge,' and in fact John took the same class as Susan with me, so we discussed those ideas as a class. Exhibit G.

On April 27, 2016 John learned that the College had reversed its decision and had found him not responsible for any Honor Code violation.

Susan's First Interview

Hours after the December 5th argument with John, Susan realized that she needed to end their relationship, so she emailed Dean Bolton and reported that John had coerced her into writing academic papers for him. Exhibit I. When John came to Susan's house to retrieve his phone the morning after the argument, she told him what she had done, and that she felt badly. She cried, told him that she would fix everything, and emailed Dean Bolton rescinding her earlier report. They resumed their relationship, and Susan subsequently shared with John the communications that Dean Bolton sent her about the cheating allegation.

Susan and John's relationship continued in the same tumultuous fashion during the winter of 2016. They had arguments, and John would stop speaking to Susan. In those instances, he expected Susan to call him, which she would do repeatedly, but he would not respond. **Exhibit K**. Susan submitted a birthday card that John sent her on January 21, 2016, to substantiate her claim that their relationship endured during the winter of 2016.¹² **Exhibit N**. She also submitted text message exchanges with John from October through December 2015 to demonstrate that it was typical for her to send numerous messages and for him to ignore them. **Exhibits H(b) – H(f)**.

In February, they had another argument, and Susan asked John, "Are you gonna be mean to me again this semester?" and he replied, "Yeah, probably." At this moment, Susan decided to be honest with Dean Bolton about what she had done to help John cheat on his academic papers. On February 16, 2016, Susan wrote John a letter that she believes conveyed to him that she intended to end their relationship. **Exhibit L**.

After the College convened an Honor Code hearing, Dean Bolton told John not to have any contact with Susan prior to the February 23, 2016 hearing. However, the night before the hearing, John came to Susan's house crying, telling her that he had a headache, and that he needed her to give him medicine. He stated, "I can't believe you're doing this to me," and then manipulated her into not telling the Committee everything that she knew about his cheating. He stayed at her house that night.

Dean Bolton called Susan after the hearing and told her that the Committee had voted to expel John. John was with Susan at the time, so he learned of his expulsion from overhearing Susan's conversation with Dean Bolton. Susan brought John back to his room. That night, she told him that she would leave him alone. John stopped speaking to Susan, even though he had slept at her house the night before the hearing.

On March 3, 2016 (the day that John learned that he had been expelled), Susan texted John, "I've had a really bad year. Never stopped me from giving you the time of day. But honestly I can't, don't expect anything from you. I haven't for months. Have a good night. I'll leave you alone for good." **Exhibit H(i)**. He responded, "I understand. Have a good night." **Exhibit H(j)**. That night, Susan called John twice to check on him, leaving voicemails both times. (According to the phone log that Susan sent the Investigator following this interview, it appears that she called John five times that day. **Exhibit K**.) The next evening, March 4, the parties had the following text exchange:

John: Hey, Sorry I didn't respond to your calls last night. I was just not feeling well.

Susan: Yeah, sure, but you always have time for ritmo no matter what.

John: I don't know what to say to that.

Susan: Nothing, I was worried and you just decide to leave me in the dark ignoring me. You weren't feeling well but you probably went to practice...you could've answered my text. But whatever, I'm always second to you, I shouldn't expect anything.

¹² Susan also submitted a birthday card that John gave her on January 21, 2015 to establish that the 2016 card was written by the same person. **Exhibit N**.

John: Well, honestly you were the last person I wanted to talk to yesterday given the circumstances I was in. I'm sorry.

Susan: You're so fake. **Exhibit H(i)**.

Susan stated that these types of arguments were commonplace between them, and that in the past, John had always expected her continue calling him until he eventually decided to resume communication. In this case, she did so because she wanted him to acknowledge that he was breaking up with her. He didn't respond to these calls, and in retrospect, Susan thinks that John was trying to set her up to file this current complaint, because a few days later, she received a cease and desist letter from John's attorney. She deleted John from her social media accounts, and when she noticed that he had not deleted her, she sought and received a no contact order.

John's Second Interview

John acknowledged that Dean Bolton instructed him not to have contact with Susan in the time between when she notified him on February 10, 2016 that the College was convening an Honor Code hearing, and February 23, 2016, the date of the hearing. He stated that the night before the hearing, he had a migraine and went to Susan's house for Tylenol, and that he spent the night with her.

John agreed with Susan's statement that the two often had heated arguments. that they sometimes went days without speaking to each other, and that on these occasions, Susan would call him repeatedly to apologize.

Susan's Second Interview

After John learned that the College had found him responsible for an Honor Code violation, Susan dropped John off at a meeting with Dean Bolton. He kissed her. told her he loved her, and that he would let her know how the hearing went. Susan texted John many times that day, and he didn't respond. Eventually, he sent her a text saying that he wanted to be alone. **Exhibit H(i)**.

Although John told Susan on March 4, 2016 that she was "literally the last person [he] wanted to talk to yesterday," she stated that this was nothing outside of the norm of how John reacted following their arguments.

Susan disputed John's claim that she called him 41 times and texted him 10 times after John learned of the College's decision to expel him. However, subsequent to this interview, Susan provided her phone log, which seems to reflect that she called him 47 times between March 8 and March 11. **Exhibit K**.

John's Third Interview

John stated that Susan used "different methods to psychologically abuse" him. For example, he referenced the handwritten letter he received from Susan in February 2016. Specifically, by writing, "You probably think I'm ridiculous and spiteful," and levying false accusations against him, she was attempting to guilt, shame, and intimidate him. **Exhibit L**. He also perceived the phrase, "I felt like I was forcing you to be with me," to be an admission of how she was very "controlling and wanted a lot of power in the relationship." **Exhibit L**.

John also contends that Susan attempted to isolate him from his friends in Ritmo. When she texted him in March 2016, "[Y]ou always have time for ritmo no matter what . . . You weren't feeling well but you probably went to practice . . . you could've answered my text. But whatever, I'm always second to you, I shouldn't expect anything." **Exhibit H(i)**.

Information from Witnesses

John's sister, **Lady Doe**, believes that Susan reported John for cheating following their December 5 argument as a preemptive measure, because Susan believed that John was going to report that she had hit him and had stolen his phone. Susan told Lady, "My life is over, now he's going to report me for assault, and I'm gonna lose my job, and what am I gonna do with myself."

Susan told **Theo Pippins** that she was going to report to the College that John had pressured her to do his work. She told Theo that John would either ask or beg Susan to help him with his assignments when he was falling academically behind.

Alleged policy violations

John contends that Susan violated the provision of the Relationship Abuse policy against "resource abuse" when she reported him to Dean Bolton. He believes that she did not make the report in good faith, and that by falsely accusing him, she could have prevented him from graduating, which would have had a "serious detrimental financial ramification." John also contends that Susan violated the Relationship Abuse policy by attempting to isolate him from his Ritmo friends and displayed extreme jealousy and exerted control over him.

John alleges that Susan violated the Stalking Policy. Prior to his attorney issuing Susan a cease and desist letter, she contacted him 41 times after he told her that he wanted to be left alone after he learned that the College was expelling him.

Lastly, John contends that Susan participated in the April Honor Code appeal hearing because he had filed a Title IX against her on March 13, 2016, and that this conduct violated the College's Retaliation policy. He further alleged that Susan retaliated against him by raising a Title IX complaint against him after he had filed one against her.

Susan alleges that John violated the provision of the Relationship Abuse policy that prohibits threats and intimidation. She believes that he came over to her apartment the night before the Honor Code hearing in order to manipulate her into withholding information from the Honor Code Committee.

V. Summary of the Parties' Alleged Policy Violations

The hearing panel may consider the following allegations that the parties have raised about each other to determine whether it is more likely than not that Susan and/or John have violated one or more of the policies described herein:

A. John's allegations about Susan

Over the course of their relationship, did Susan Smith's conduct, either discretely or collectively, amount to a violation of the 2015-2016 **Williams College Employee Handbook Sexual Misconduct Policy**, which incorporates the **Code of Conduct's Relationship Abuse policy**, based on the allegations that John raised regarding:

- Susan's surveillance of his social media accounts in January 2015 and January 2016;
- The physical altercation that occurred on December 5, 2015;
- Susan's conduct on Valentine's Day 2016; and,

- Susan's participation in the February, March and April 2016 Honor Code process and hearings.

Over the course of their relationship, did Susan Smith's conduct, either discretely or collectively, amount to a violation of the 2014-2015 and 2015-2016 **Stalking policy**, based on the allegations that John raised regarding:

- Susan's surveillance of his social media accounts in January 2015 and January 2016;
- Susan's conduct at the dance on December 5, 2015; and,
- Susan's conduct following the Honor Committee's determination to expel John from the College in March 2016.

Did Susan violate the **Retaliation and False Reporting policy** when she participated in the April 2016 Honor Code appeals hearing, and/or when she filed a Title IX complaint against John

B. Susan's allegations about John.

Over the course of their relationship, did John Doe's conduct, either discretely or collectively, amount to a violation of the 2015-2016 **Relationship Abuse policy**, based on Susan's allegations regarding the:

- Summer 2014 incident involving Theo Pippins;
- Incident involving Susan's summer 2014 program at Columbia University;
- October 2014 argument on Mountain Day and canceled trip to Texas;
- January 23, 2015 argument, physical altercation, and lock-out;
- February 2015 Zipcar and 100 Days Dance incidents;
- March 2015 incident involving possession of alcohol during a Ritmo party;
- August and September 2015 disputes involving money;
- November 2015 First Chance Dance incident;
- 2015-2016 allegation that John interfered with Susan's work obligations and asked her to write academic papers for him; and,
- The night before the March Honor Code hearing when John came to Susan's apartment.

Did John Doe's conduct violate the **2013-2014 Student Code of Conduct** with regard to the parties' sexual encounter that occurred on or about September 1, 2014?

Did John's conduct violate the **Dating and Domestic Violence policy** based on the alleged physical altercation that occurred on January 23, 2015?

VI. Conclusion

In conclusion, the Investigator had reviewed and considered the statements of the parties, and the witnesses referenced herein, as well as the exhibits attached hereto, and has identified the incidents and events that the parties believe amount to violations of various of the College's policies.