

HEALTH & WELLNESS SERVICES  
 PO Box 642302 • Pullman, WA 99164-2302  
 509-335-5759 • Fax 509-335-2092

Authorization to  
Send Health Information  
**RECEIVED**  
 SEP 02 2014

WASHINGTON STATE UNIVERSITY  
 HEALTH & WELLNESS SERVICES

PATIENT NAME (last, first, middle)		FORMER NAME	
CURRENT ADDRESS	CITY	STATE	ZIP
TELEPHONE	WSU ID #	DATE OF BIRTH	

I authorize WSU HWS to send my records to:

INDIVIDUAL, CLINIC OR PROVIDER TO WHOM RECORDS ARE TO BE SENT:	PHONE#
ADDRESS	FAX #
CITY, STATE, ZIP	

OR HOLD FOR ME TO PICK UP AT THE RECEPTION DESK

You may use or disclose the following health care information (check all that apply):

- All health care information in my medical record
- Health care information in my medical record relating to the following treatment or condition:
- Health care information in my medical record for the date(s): January 27, 2014
- Other, please specify: \_\_\_\_\_
- Discuss my records with: \_\_\_\_\_

I understand that this release will become effective on the day I sign it. This authorization ends:

- on (date): \_\_\_\_\_
- when the following event occurs: \_\_\_\_\_
- in 90 days from the date signed (if disclosure is to a financial institution or an employer of the patient for purposes other than payment)

I may cancel this release at any time by notifying the record holder in writing. I release the clinic/provider and its staff from all legal responsibility that may arise from this release of information. A copy of the Health and Wellness Services Privacy Notice has been offered to me. Once health care information is disclosed, the person or organization that receives it may re-disclose it. Privacy laws may no longer protect it.

You do not need to sign this authorization. Refusal to sign the authorization will not adversely affect your ability to receive health care services or reimbursement for services. The only circumstance when refusal to sign means you will not receive health care service is if the health care services are solely for the purpose of providing health information to someone else and the authorization is necessary to make that disclosure.

SIGNATURE	DATE
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Specific Consent for Release of Sensitive Medical Information	
You may use or disclose health care information regarding testing, diagnosis, and treatment for (check all that apply):	
<input type="checkbox"/> HIV (AIDS virus)	<input type="checkbox"/> Sexually transmitted diseases
<input type="checkbox"/> Psychiatric disorders/mental health	<input type="checkbox"/> Drug and/or alcohol use
Signature: _____	Date: _____

FOR OFFICE USE ONLY:	
<input type="checkbox"/> Copy mailed <input type="checkbox"/> Copy faxed <input type="checkbox"/> Copy given to patient <input type="checkbox"/> Copy held for pick up	Comments: _____ _____ _____

CHECKED SEP 02 2014



29 August 2014

Via US Mail and Email ( [REDACTED] )

[REDACTED]  
[REDACTED]  
Pullman, WA 99163

Dear [REDACTED],

On 20 August 2014, the Washington State University Conduct Board was convened to hear charges that you had violated provisions of the University's *Standards of Conduct for Students*. The hearing was originally scheduled for 30 July 2014 but, at your request, was postponed until 20 August 2014. You were present at the hearing, along with your advisor, Ms. Mel Morgan from the Office of the Dean of Students.

You were charged with violating the following standards:

**WAC 504-26-212 Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

**WAC 504-26-204 Abuse of self or others.** Physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including one's self.

**WAC 504-26-224 Reckless endangerment.** Engaging in conduct that creates an unreasonable risk of harm to another person or property.

**WAC 504-26-209 Violation of university policy, rule, or regulation.** Violation of any university policy, rule, or regulation published electronically on the university web site or in hard copy. *Specifically, WSU's Executive Policy #15, Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct.*

**WAC 504-26-220 Discrimination.** Discrimination on the basis of race, color, religion, ancestry, national or ethnic origin, age, gender, marital status, veteran status, sexual orientation, gender identity, or mental, physical, sensory disability is prohibited in conformity with federal and state laws.

**WAC 504-26-221 Sexual misconduct.** (1) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism. (2) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given agreement to sexual activity-silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when: (a) Force or blackmail is threatened or used to procure compliance with the sexual activity; or (b) The person is unconscious or physically unable to communicate his or her unwillingness to engage in sexual activity; or (c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause....

**WAC 504-26-222 Harassment.** Conduct by any means that is severe, pervasive, or persistent, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in his or her regular life activities or participate in the activities of the



university, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.

The Conduct Board recorded your plea of *Responsible* for violating WAC 504-26-212 (Alcohol) but *Not Responsible* for each of the other violations charged.

At the hearing, the Conduct Board heard sworn testimony from Ms Kimberly Anderson, Director of WSU's Office for Equal Opportunity, and from you. Based on these testimonies, along with the contents of the file compiled by the Office of Student Standards and Accountability, the Conduct Board made the following finds of fact:

On the evening of Friday, 25 January 2014, the complainant (Mr. [REDACTED]) was consuming alcohol and playing drinking games with friends in the residence hall. You joined them some time after 10:30 pm. Witnesses told investigators from OEO and the Office of Student Standards and Accountability that the complainant was "highly intoxicated due to his having consumed a large amount of alcohol, including most of a bottle of Fireball cinnamon whiskey, which was described as a 'standard fifth,' and some amount of vodka, which he also consumed 'straight from the bottle.'" These witnesses also told investigators that the complainant was slurring his speech, having difficulty balancing and was unable to form clear sentences. The complainant reported to investigators that his level of intoxication on a scale from one to ten was a ten. Witnesses gave similar ratings of the complainant's level of intoxication. You, however, rated the complainant's level of intoxication as about a five out of ten.

You told investigators that you were so intoxicated that you stumbled and "walked against a wall"; that you had consumed a large amount of alcohol, that your level of intoxication was an eight out of ten and that you left the drinking game at one point, went to the rest room, and vomited four times. Witnesses, however, said that although they knew you had consumed alcohol, you did not appear intoxicated.

The complainant's memory of what had taken place that night was, at best, spotty. A lack of clear memories is in keeping with having been severely intoxicated. On the other hand, you told investigators that, notwithstanding your reported level of intoxication, you had a "clear memory" of everything that happened that night.

At some point, you led the complainant to your room; the two of you had sexual contact while in the shower together and again on your bed. Witnesses told investigators that, knowing the level of the complainant's intoxication and being concerned for his well being, they knocked on your door and asked to see him. You refused them entry although, when the door was ajar, they did see the complainant standing naked in the room.

At one point, you left the complainant alone in your room and two of the witnesses knocked on the door and attempted to contact the complainant. Hearing the knock, you ran back to your room telling them, "Don't ruin this for me."

The complainant told investigators that after sexual contact he wanted to leave your room but that you kept urging him to wait. While you were briefly absent from your room, the complainant left your room and went into another student's room where he hid in her closet. You came looking for him and told a witness that the complainant had left his Cougar Card in your room. The witness said she would come to get it for him, but you told her that the complainant needed to retrieve his card personally. As it turned out, the complainant did not leave his card in your room (i.e., you lied to the witness).

The Conduct Board reviewed your testimony at the hearing, along with the statements that you and others (including the complainant) provided to the Office for Equal Opportunity and the Office of Student Standards and Accountability; we also reviewed statements reported by residence hall staff who were contacted by witnesses shortly after the incident. We determined that your testimony was contradicted by witnesses who, although friends of the complainant, told essentially the same story as did the complainant when they were interviewed separately. Your statements and testimony, on the other hand, were

inconsistent with witnesses' statements. For example, you denied that the complainant showed signs of being seriously intoxicated (which, given the amount of alcohol he had consumed and his slurred speech, etc. seemed self serving on your part). You said you were highly intoxicated, yet no one else saw signs that you had consumed much alcohol. Finally, the manner in which you told your story—adding strange details that you had not shared with the OEO—made your testimony less credible to us.

Based on a preponderance of the evidence, the Conduct Board found you *Responsible* for each of the violations charged. The members of the Conduct Board judged your behavior toward the complainant to be egregious violations of the university's *Standards of Conduct for Students*. You not only engaged in sexual conduct with someone whom you knew, or should have known, was not competent to consent to your advances, but you purposefully isolated him from his friends who were concerned about his well-being. When his friends tried to intervene, you begged them not to "ruin this for me"—all the while not caring about the consequences for this young man. Your behavior demonstrated to us that you are a danger to other students.

Therefore, the Conduct Board assigns the following sanctions:

1. You are expelled from Washington State University (including its urban campuses and the WSU "Global Campus.")
2. Because you have been found to be a danger to other students, you are trespassed from Washington State University until 1 January 2020. Trespass means that your privilege to be on campus, including branch and urban campuses, has been revoked by the University. If you are found on campus in violation of this sanction, you may be subject to arrest and prosecution for Criminal Trespass under RCW 9A.52.070 or 9A.52.080. If you have a legitimate business need to be on the Washington State University campus, you must be escorted by an Official with Washington State University, and arrangements must be made prior to entering campus. This means you must make arrangements with either the Dean of Students (509 335-5757) or WSU Police (509 335-8548) before coming on WSU property for any reason.
3. Your Cougar Card privileges are rescinded. Any cash balance on your card will be refunded by cheque after all university debts are satisfied.
4. Your Washington State University email account is cancelled.

These sanctions will take effect at the occurrence of either a final order issued by an appeal board (should you decide to appeal) or at the expiration of the time for filing an appeal.

You have the right to appeal the decision in this case and/or the sanctions. If you choose to appeal, you must do so in writing (stating the grounds and arguments) to the Office of Student Standards and Accountability, within twenty-one days of the date of this letter. If you choose not to appeal, this decision becomes final. The following are grounds for appeal:

- (a) Whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.



- (b) Whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.
- (c) Whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.
- (d) New information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original student conduct board hearing.

If you choose to appeal the decisions or the sanctions of the University Conduct Board, the burden of proof shifts from the University to you. The appeal process is a review by the University Appeals Board of the record of the hearing plus the letter of appeal, including any written argument(s) submitted by you, and new evidence if that is the ground for appeal. It is not a new hearing. You can submit your appeal at [standards.wsu.edu/appeal](http://standards.wsu.edu/appeal).

Sincerely,



Lisa J. McIntyre  
Chair, University Conduct Board

cc Adam Jussel, Director, Office of Student Standards and Accountability

# Washington State University Authorization for Release of Student Records

## STUDENT INFORMATION

PRINT  
[Redacted]

Address  
[Redacted]

[Redacted]

ID Number  
[Redacted]

Phone  
[Redacted]

## NAME TO WHOM INFORMATION IS TO BE RELEASED

PRINT  
[Redacted]

Name

Address

[Redacted]

Phone

Fax Number

## PURPOSE FOR WHICH INFORMATION IS TO BE RELEASED:

conduct board hearing

Please release the following information:

- Conduct/Disciplinary Records
- Student Advising Records
- Semester Grade report for \_\_\_\_\_ (Semester/Year)
- WSU Transcript (\$3.00 fee payable to the WSU registrar's Office)
- Verification of Enrollment
- Address
- Cancellation
- Other as specified:

I hereby authorize Washington State University to release the records indicated above from my Washington State University Academic file. I understand that the information will be used for professional purposes. This release will be valid for 90 days, and I understand that I may revoke it at any time by written notice. A photocopy of this authorization may be accepted with the same authority as the original.

Date 9-2-14  
Date 9-2-14

[Redacted Signature]  
Student Signature  
[Redacted]



## Conduct.Front.Desk

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**From:** Jussel, Adam B  
**Sent:** Friday, August 29, 2014 11:13 AM  
**To:** [REDACTED]  
**Subject:** WSU Conduct Board Decision  
**Attachments:** [REDACTED] Decision letter\_Redacted.pdf

[REDACTED]

The Office of Students Standards and Accountability has been informed of the University Conduct Board's decision in a case brought before the Conduct Board on 20 August 2014. I am notifying you of that decision. Attached please find a redacted version of the Conduct Board's decision letter.

The sanctions listed in the letter take effect at the occurrence of either a final order issued by an appeal board (should you decide to appeal) or at the expiration of the time for filing an appeal.

The complainant and the respondent have the right to appeal the decision. If you choose to appeal, you must do so in writing (stating the grounds and arguments) to the Office of Student Standards and Accountability, within twenty-one days of the date of this letter. If the respondent appeals, you will be notified of the appeal, provided the opportunity to review the appeal request, and be allowed to explain your views of the matter to the Appeals Board in writing.

The following are grounds for appeal:

- (a) Whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.
- (b) Whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.
- (c) Whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.
- (d) New information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original student conduct board hearing.

If you choose to appeal the decisions or the sanctions of the Conduct Board, the burden of proof shifts to you. The appeal process is a review by the University Appeals Board of the record of the hearing plus the letter of appeal, any written argument(s) submitted by you, and any new evidence if that is the ground for appeal. It is not a new hearing. You can submit your appeal at [standards.wsu.edu/appeal](http://standards.wsu.edu/appeal).

If you have questions concerning the decision of the Board, the nature of the sanctions, or the appeal process, please contact me at the number listed below.

Sincerely,

Adam Jussel  
Director, Office of Student Standards & Accountability Washington State University  
509/335-9745

000228



29 August 2014

Via US Mail and Email ( [REDACTED] )

[REDACTED]  
[REDACTED]  
Dear [REDACTED]

On 20 August 2014, the Washington State University Conduct Board was convened to hear charges that you had violated provisions of the University's *Standards of Conduct for Students*. The hearing was originally scheduled for 30 July 2014 but, at your request, was postponed until 20 August 2014. You were present at the hearing, along with your advisor, Ms. Mel Morgan from the Office of the Dean of Students.

You were charged with violating the following standards:

**WAC 504-26-212 Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

**WAC 504-26-204 Abuse of self or others.** Physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including one's self.

**WAC 504-26-224 Reckless endangerment.** Engaging in conduct that creates an unreasonable risk of harm to another person or property.

**WAC 504-26-209 Violation of university policy, rule, or regulation.** Violation of any university policy, rule, or regulation published electronically on the university web site or in hard copy. *Specifically, WSU's Executive Policy #15, Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct.*

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**WAC 504-26-221 Sexual misconduct.** (1) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism. (2) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given agreement to sexual activity-silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when: (a) Force or blackmail is threatened or used to procure compliance with the sexual activity; or (b) The person is unconscious or physically unable to communicate his or her unwillingness to engage in sexual activity; or (c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause....

**WAC 504-26-222 Harassment.** Conduct by any means that is severe, pervasive, or persistent, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in his or her regular life activities or participate in the activities of the



university, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.

The Conduct Board recorded your plea of *Responsible* for violating WAC 504-26-212 (Alcohol) but *Not Responsible* for each of the other violations charged.

At the hearing, the Conduct Board heard sworn testimony from Ms Kimberly Anderson, Director of WSU's Office for Equal Opportunity, and from you. Based on these testimonies, along with the contents of the file compiled by the Office of Student Standards and Accountability, the Conduct Board made the following finds of fact:

On the evening of Friday, 25 January 2014, the complainant (Mr. [REDACTED]) was consuming alcohol and playing drinking games with friends in the residence hall. You joined them some time after 10:30 pm. Witnesses told investigators from OEO and the Office of Student Standards and Accountability that the complainant was "highly intoxicated due to his having consumed a large amount of alcohol, including most of a bottle of Fireball cinnamon whiskey, which was described as a 'standard fifth,' and some amount of vodka, which he also consumed 'straight from the bottle.'" These witnesses also told investigators that the complainant was slurring his speech, having difficulty balancing and was unable to form clear sentences. The complainant reported to investigators that his level of intoxication on a scale from one to ten was a ten. Witnesses gave similar ratings of the complainant's level of intoxication. You, however, rated the complainant's level of intoxication as about a five out of ten.

You told investigators that you were so intoxicated that you stumbled and "walked against a wall"; that you had consumed a large amount of alcohol, that your level of intoxication was an eight out of ten and that you left the drinking game at one point, went to the rest room, and vomited four times. Witnesses, however, said that although they knew you had consumed alcohol, you did not appear intoxicated.

The complainant's memory of what had taken place that night was, at best, spotty. A lack of clear memories is in keeping with having been severely intoxicated. On the other hand, you told investigators that, notwithstanding your reported level of intoxication, you had a "clear memory" of everything that happened that night.

At some point, you led the complainant to your room; the two of you had sexual contact while in the shower together and again on your bed. Witnesses told investigators that, knowing the level of the complainant's intoxication and being concerned for his well being, they knocked on your door and asked to see him. You refused them entry although, when the door was ajar, they did see the complainant standing naked in the room.

At one point, you left the complainant alone in your room and two of the witnesses knocked on the door and attempted to contact the complainant. Hearing the knock, you ran back to your room telling them, "Don't ruin this for me."

The complainant told investigators that after sexual contact he wanted to leave your room but that you kept urging him to wait. While you were briefly absent from your room, the complainant left your room and went into another student's room where he hid in her closet. You came looking for him and told a witness that the complainant had left his Cougar Card in your room. The witness said she would come to get it for him, but you told her that the complainant needed to retrieve his card personally. As it turned out, the complainant did not leave his card in your room (i.e., you lied to the witness).

The Conduct Board reviewed your testimony at the hearing, along with the statements that you and others (including the complainant) provided to the Office for Equal Opportunity and the Office of Student Standards and Accountability; we also reviewed statements reported by residence hall staff who were contacted by witnesses shortly after the incident. We determined that your testimony was contradicted by witnesses who, although friends of the complainant, told essentially the same story as did the complainant when they were interviewed separately. Your statements and testimony, on the other hand, were



inconsistent with witnesses' statements. For example, you denied that the complainant showed signs of being seriously intoxicated (which, given the amount of alcohol he had consumed and his slurred speech, etc. seemed self serving on your part). You said you were highly intoxicated, yet no one else saw signs that you had consumed much alcohol. Finally, the manner in which you told your story—adding strange details that you had not shared with the OEO—made your testimony less credible to us.

Based on a preponderance of the evidence, the Conduct Board found you *Responsible* for each of the violations charged. The members of the Conduct Board judged your behavior toward the complainant to be egregious violations of the university's *Standards of Conduct for Students*. You not only engaged in sexual conduct with someone whom you knew, or should have known, was not competent to consent to your advances, but you purposefully isolated him from his friends who were concerned about his well-being. When his friends tried to intervene, you begged them not to "ruin this for me"—all the while not caring about the consequences for this young man. Your behavior demonstrated to us that you are a danger to other students.

Therefore, the Conduct Board assigns the following sanctions:

1. You are expelled from Washington State University (including its urban campuses and the WSU "Global Campus.")
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You have the right to appeal the decision in this case and/or the sanctions. If you choose to appeal, you must do so in writing (stating the grounds and arguments) to the Office of Student Standards and Accountability, within twenty-one days of the date of this letter. If you choose not to appeal, this decision becomes final. The following are grounds for appeal:

- (a) Whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

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- (b) Whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.
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Sincerely,



Lisa J. McIntyre  
Chair, University Conduct Board

cc Adam Jussel, Director, Office of Student Standards and Accountability



**Conduct.Front.Desk**

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**From:** Jussel, Adam B  
**Sent:** Friday, August 29, 2014 11:00 AM  
**To:** [REDACTED]  
**Subject:** WSU Conduct Board Decision  
**Attachments:** 201408291058.pdf

[REDACTED],

Please find the conduct board's decision attached hereto.

Best,

Adam Jussel | Director, Student Standards and Accountability Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

29 August 2014

Via US Mail and Email ( [REDACTED] )

[REDACTED]  
Pullman, WA 99163

Dear [REDACTED],

On 20 August 2014, the Washington State University Conduct Board was convened to hear charges that you had violated provisions of the University's *Standards of Conduct for Students*. The hearing was originally scheduled for 30 July 2014 but, at your request, was postponed until 20 August 2014. You were present at the hearing, along with your advisor, Ms. Mel Morgan from the Office of the Dean of Students.

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At the hearing, the Conduct Board heard sworn testimony from Ms Kimberly Anderson, Director of WSU's Office for Equal Opportunity, and from you. Based on these testimonies, along with the contents of the file compiled by the Office of Student Standards and Accountability, the Conduct Board made the following finds of fact:

On the evening of Friday, 25 January 2014, the complainant (Mr. [REDACTED]) was consuming alcohol and playing drinking games with friends in the residence hall. You joined them some time after 10:30 pm. Witnesses told investigators from OEO and the Office of Student Standards and Accountability that the complainant was "highly intoxicated due to his having consumed a large amount of alcohol, including most of a bottle of Fireball cinnamon whiskey, which was described as a 'standard fifth,' and some amount of vodka, which he also consumed 'straight from the bottle.'" These witnesses also told investigators that the complainant was slurring his speech, having difficulty balancing and was unable to form clear sentences. The complainant reported to investigators that his level of intoxication on a scale from one to ten was a ten. Witnesses gave similar ratings of the complainant's level of intoxication. You, however, rated the complainant's level of intoxication as about a five out of ten.

You told investigators that you were so intoxicated that you stumbled and "walked against a wall"; that you had consumed a large amount of alcohol, that your level of intoxication was an eight out of ten and that you left the drinking game at one point, went to the rest room, and vomited four times. Witnesses, however, said that although they knew you had consumed alcohol, you did not appear intoxicated.

The complainant's memory of what had taken place that night was, at best, spotty. A lack of clear memories is in keeping with having been severely intoxicated. On the other hand, you told investigators that, notwithstanding your reported level of intoxication, you had a "clear memory" of everything that happened that night.

At some point, you led the complainant to your room; the two of you had sexual contact while in the shower together and again on your bed. Witnesses told investigators that, knowing the level of the complainant's intoxication and being concerned for his well being, they knocked on your door and asked to see him. You refused them entry although, when the door was ajar, they did see the complainant standing naked in the room.

At one point, you left the complainant alone in your room and two of the witnesses knocked on the door and attempted to contact the complainant. Hearing the knock, you ran back to your room telling them, "Don't ruin this for me."

The complainant told investigators that after sexual contact he wanted to leave your room but that you kept urging him to wait. While you were briefly absent from your room, the complainant left your room and went into another student's room where he hid in her closet. You came looking for him and told a witness that the complainant had left his Cougar Card in your room. The witness said she would come to get it for him, but you told her that the complainant needed to retrieve his card personally. As it turned out, the complainant did not leave his card in your room (i.e., you lied to the witness).

The Conduct Board reviewed your testimony at the hearing, along with the statements that you and others (including the complainant) provided to the Office for Equal Opportunity and the Office of Student Standards and Accountability; we also reviewed statements reported by residence hall staff who were contacted by witnesses shortly after the incident. We determined that your testimony was contradicted by witnesses who, although friends of the complainant, told essentially the same story as did the complainant when they were interviewed separately. Your statements and testimony, on the other hand, were

inconsistent with witnesses' statements. For example, you denied that the complainant showed signs of being seriously intoxicated (which, given the amount of alcohol he had consumed and his slurred speech, etc. seemed self serving on your part). You said you were highly intoxicated, yet no one else saw signs that you had consumed much alcohol. Finally, the manner in which you told your story—adding strange details that you had not shared with the OEO—made your testimony less credible to us.

Based on a preponderance of the evidence, the Conduct Board found you *Responsible* for each of the violations charged. The members of the Conduct Board judged your behavior toward the complainant to be egregious violations of the university's *Standards of Conduct for Students*. You not only engaged in sexual conduct with someone whom you knew, or should have known, was not competent to consent to your advances, but you purposefully isolated him from his friends who were concerned about his well-being. When his friends tried to intervene, you begged them not to "ruin this for me"—all the while not caring about the consequences for this young man. Your behavior demonstrated to us that you are a danger to other students.

Therefore, the Conduct Board assigns the following sanctions:

1. You are expelled from Washington State University (including its urban campuses and the WSU "Global Campus.")
2. Because you have been found to be a danger to other students, you are trespassed from Washington State University until 1 January 2020. Trespass means that your privilege to be on campus, including branch and urban campuses, has been revoked by the University. If you are found on campus in violation of this sanction, you may be subject to arrest and prosecution for Criminal Trespass under RCW 9A.52.070 or 9A.52.080. If you have a legitimate business need to be on the Washington State University campus, you must be escorted by an Official with Washington State University, and arrangements must be made prior to entering campus. This means you must make arrangements with either the Dean of Students (509 335-5757) or WSU Police (509 335-8548) before coming on WSU property for any reason.
3. Your Cougar Card privileges are rescinded. Any cash balance on your card will be refunded by cheque after all university debts are satisfied.
4. Your Washington State University email account is cancelled.

These sanctions will take effect at the occurrence of either a final order issued by an appeal board (should you decide to appeal) or at the expiration of the time for filing an appeal.

You have the right to appeal the decision in this case and/or the sanctions. If you choose to appeal, you must do so in writing (stating the grounds and arguments) to the Office of Student Standards and Accountability, within twenty-one days of the date of this letter. If you choose not to appeal, this decision becomes final. The following are grounds for appeal:

- (a) Whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.



- (b) Whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.
- (c) Whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.
- (d) New information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original student conduct board hearing.

If you choose to appeal the decisions or the sanctions of the University Conduct Board, the burden of proof shifts from the University to you. The appeal process is a review by the University Appeals Board of the record of the hearing plus the letter of appeal, including any written argument(s) submitted by you, and new evidence if that is the ground for appeal. It is not a new hearing. You can submit your appeal at [standards.wsu.edu/appeal](http://standards.wsu.edu/appeal).

Sincerely,



Lisa J. McIntyre  
Chair, University Conduct Board

cc Adam Jussel, Director, Office of Student Standards and Accountability



29 August 2014

Via US Mail and Email ( [REDACTED] )

Dear [REDACTED]

On 20 August 2014, the Washington State University Conduct Board was convened to hear charges that you had violated provisions of the University's *Standards of Conduct for Students*. The hearing was originally scheduled for 30 July 2014 but, at your request, was postponed until 20 August 2014. You were present at the hearing, along with your advisor, Ms. Mel Morgan from the Office of the Dean of Students.

You were charged with violating the following standards:

**WAC 504-26-212 Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

**WAC 504-26-204 Abuse of self or others.** Physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including one's self.

**WAC 504-26-224 Reckless endangerment.** Engaging in conduct that creates an unreasonable risk of harm to another person or property.

**WAC 504-26-209 Violation of university policy, rule, or regulation.** Violation of any university policy, rule, or regulation published electronically on the university web site or in hard copy. *Specifically, WSU's Executive Policy #15, Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct.*

**WAC 504-26-220 Discrimination.** Discrimination on the basis of race, color, religion, ancestry, national or ethnic origin, age, gender, marital status, veteran status, sexual orientation, gender identity, or mental, physical, sensory disability is prohibited in conformity with federal and state laws.

**WAC 504-26-221 Sexual misconduct.** (1) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism. (2) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given agreement to sexual activity-silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when: (a) Force or blackmail is threatened or used to procure compliance with the sexual activity; or (b) The person is unconscious or physically unable to communicate his or her unwillingness to engage in sexual activity; or (c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause....

**WAC 504-26-222 Harassment.** Conduct by any means that is severe, pervasive, or persistent, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in his or her regular life activities or participate in the activities of the



university, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.

The Conduct Board recorded your plea of *Responsible* for violating WAC 504-26-212 (Alcohol) but *Not Responsible* for each of the other violations charged.

At the hearing, the Conduct Board heard sworn testimony from Ms Kimberly Anderson, Director of WSU's Office for Equal Opportunity, and from you. Based on these testimonies, along with the contents of the file compiled by the Office of Student Standards and Accountability, the Conduct Board made the following finds of fact:

On the evening of Friday, 25 January 2014, the complainant (Mr. █) was consuming alcohol and playing drinking games with friends in the residence hall. You joined them some time after 10:30 pm. Witnesses told investigators from OEO and the Office of Student Standards and Accountability that the complainant was "highly intoxicated due to his having consumed a large amount of alcohol, including most of a bottle of Fireball cinnamon whiskey, which was described as a 'standard fifth,' and some amount of vodka, which he also consumed 'straight from the bottle.'" These witnesses also told investigators that the complainant was slurring his speech, having difficulty balancing and was unable to form clear sentences. The complainant reported to investigators that his level of intoxication on a scale from one to ten was a ten. Witnesses gave similar ratings of the complainant's level of intoxication. You, however, rated the complainant's level of intoxication as about a five out of ten.

You told investigators that you were so intoxicated that you stumbled and "walked against a wall"; that you had consumed a large amount of alcohol, that your level of intoxication was an eight out of ten and that you left the drinking game at one point, went to the rest room, and vomited four times. Witnesses, however, said that although they knew you had consumed alcohol, you did not appear intoxicated.

The complainant's memory of what had taken place that night was, at best, spotty. A lack of clear memories is in keeping with having been severely intoxicated. On the other hand, you told investigators that, notwithstanding your reported level of intoxication, you had a "clear memory" of everything that happened that night.

At some point, you led the complainant to your room; the two of you had sexual contact while in the shower together and again on your bed. Witnesses told investigators that, knowing the level of the complainant's intoxication and being concerned for his well being, they knocked on your door and asked to see him. You refused them entry although, when the door was ajar, they did see the complainant standing naked in the room.

At one point, you left the complainant alone in your room and two of the witnesses knocked on the door and attempted to contact the complainant. Hearing the knock, you ran back to your room telling them, "Don't ruin this for me."

The complainant told investigators that after sexual contact he wanted to leave your room but that you kept urging him to wait. While you were briefly absent from your room, the complainant left your room and went into another student's room where he hid in her closet. You came looking for him and told a witness that the complainant had left his Cougar Card in your room. The witness said she would come to get it for him, but you told her that the complainant needed to retrieve his card personally. As it turned out, the complainant did not leave his card in your room (i.e., you lied to the witness).

The Conduct Board reviewed your testimony at the hearing, along with the statements that you and others (including the complainant) provided to the Office for Equal Opportunity and the Office of Student Standards and Accountability; we also reviewed statements reported by residence hall staff who were contacted by witnesses shortly after the incident. We determined that your testimony was contradicted by witnesses who, although friends of the complainant, told essentially the same story as did the complainant when they were interviewed separately. Your statements and testimony, on the other hand, were

inconsistent with witnesses' statements. For example, you denied that the complainant showed signs of being seriously intoxicated (which, given the amount of alcohol he had consumed and his slurred speech, etc. seemed self serving on your part). You said you were highly intoxicated, yet no one else saw signs that you had consumed much alcohol. Finally, the manner in which you told your story—adding strange details that you had not shared with the OEO—made your testimony less credible to us.

Based on a preponderance of the evidence, the Conduct Board found you *Responsible* for each of the violations charged. The members of the Conduct Board judged your behavior toward the complainant to be egregious violations of the university's *Standards of Conduct for Students*. You not only engaged in sexual conduct with someone whom you knew, or should have known, was not competent to consent to your advances, but you purposefully isolated him from his friends who were concerned about his well-being. When his friends tried to intervene, you begged them not to "ruin this for me"—all the while not caring about the consequences for this young man. Your behavior demonstrated to us that you are a danger to other students.

Therefore, the Conduct Board assigns the following sanctions:

1. You are expelled from Washington State University (including its urban campuses and the WSU "Global Campus.")
2. Because you have been found to be a danger to other students, you are trespassed from Washington State University until 1 January 2020. Trespass means that your privilege to be on campus, including branch and urban campuses, has been revoked by the University. If you are found on campus in violation of this sanction, you may be subject to arrest and prosecution for Criminal Trespass under RCW 9A.52.070 or 9A.52.080. If you have a legitimate business need to be on the Washington State University campus, you must be escorted by an Official with Washington State University, and arrangements must be made prior to entering campus. This means you must make arrangements with either the Dean of Students (509 335-5757) or WSU Police (509 335-8548) before coming on WSU property for any reason.
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These sanctions will take effect at the occurrence of either a final order issued by an appeal board (should you decide to appeal) or at the expiration of the time for filing an appeal.

You have the right to appeal the decision in this case and/or the sanctions. If you choose to appeal, you must do so in writing (stating the grounds and arguments) to the Office of Student Standards and Accountability, within twenty-one days of the date of this letter. If you choose not to appeal, this decision becomes final. The following are grounds for appeal:

- (a) Whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.



- (b) Whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.
- (c) Whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.
- (d) New information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original student conduct board hearing.

If you choose to appeal the decisions or the sanctions of the University Conduct Board, the burden of proof shifts from the University to you. The appeal process is a review by the University Appeals Board of the record of the hearing plus the letter of appeal, including any written argument(s) submitted by you, and new evidence if that is the ground for appeal. It is not a new hearing. You can submit your appeal at [standards.wsu.edu/appeal](http://standards.wsu.edu/appeal).

Sincerely,



Lisa J. McIntyre  
Chair, University Conduct Board

cc Adam Jussel, Director, Office of Student Standards and Accountability



CONDUCT BOARD HEARING

20 AUGUST 2014

These records are protected by the Family Educational Rights and Privacy Act (FERPA) (20 U.S. C. § 1232g: 34 CFR Part 99). Records are provided under the exception to the Act found in Section 99.31.

These records must be maintained confidentially and may not be redisclosed.

They must be destroyed when your legitimate educational interest no longer exists.

**Please return this file to the Office of Student Standards and Accountability.**



**UNIVERSITY CONDUCT BOARD HEARING CHECKLIST**

Name of Accused: [REDACTED]  
 Convener: Washington State University, Office of Student Standards and Accountability  
 Date and Time of Hearing: 20 August 2014 at 5:30pm  
 Location of Hearing: French 134 – Office of the Dean of Students

Introduction of complainant, others present, and Board members.

**Board Members**

Lisa McIntyre	Chair
Consetta Helmick	Faculty
David Martin	Faculty
[REDACTED]	Student
[REDACTED]	Student

- Accused student identifies himself/herself.
- Student advisor's role

Chair reviews purpose of the hearing and of conduct process

Chair reviews procedure of the hearing:

- Hearings are recorded
- Conduct officer states case
- University/complainant witnesses one at a time
- Accused witnesses, and then accused, one at a time
- Board members may ask questions at any time
- If complainant/accused has questions, he or she can write answer to question that will help Board chair determine whether it is relevant
- Request that witnesses and accused remain available until the Conduct Board has no further questions
- Notification of decision - by mail within 10 calendar days
- Board decision is final unless appeal is filed within 21 days

**WSU/Complainant Witnesses**

Kim Anderson

**Respondent Witnesses**

N/A

**ALLEGED VIOLATIONS**

Conduct Officer reads the alleged violations and Board Chair asks accused to respond to each one as follows:

WAC	Acts of Misconduct
504-26-212	Alcohol
504-26-204	Abuse of self and others
504-26-224	Reckless Endangerment
504-26-209	Violation of university policy, rule, or regulation
504-26-220	Discrimination and <del>discriminatory harassment</del>
504-26-221	Sexual Misconduct
504-26-222	Harassment ( <del>other than sexual or discriminatory</del> )

**Responsible**

**Not Responsible**

✓

XXXXXX

**UNIVERSITY/COMPLAINANT**

- Conduct officer states case. N/A
- Swear in: Witnesses for the University/complainant (one at a time)
  - Identify themselves for the record and identify accused student (if applicable)

**ACCUSED STUDENT**

- Swear In: Accused student or accused group states case
  - Swear In: Accused student's or group's witnesses (one at a time)
- 5-10 minute break.

**SUMMATIONS**

- Conduct officer's summation, may make recommendation - exp
- Accused student's summation
- Board chair discusses remainder of process
  - Address to send decision letter, which will describe right to appeal
  - All dismissed except Board Members for deliberation

Adjourn hearing portion

**Deliberation in closed session**

**Responsible**

**Not Responsible**

**Address to send decision letter**

[REDACTED]  
 Pullman

**Address to send summary letter to complainant (if appropriate)**

[REDACTED]

*Do you solemnly swear or affirm, under penalty of perjury, that the testimony you shall give in these proceedings shall be the truth, the whole truth, and nothing but the truth?*

- Determination of findings of fact supporting responsibility/non responsibility.
- Determination of sanction to be imposed. List sanctions here:

000213





facebook.com/...



Inbox (12)

+ New Message Actions



[Redacted]

Jan 30

[Redacted]

Thanks

Jan 27

[Redacted]

lolol

Jan 27

[Redacted]

or Tram

Jan 26

[Redacted]

Feel better!

Jan 26

[Redacted]

✓ I miss you

Jan 24

[Redacted]

\* Do you know Flix's num

Jan 20

[Redacted]

Hey are you going to the m

[Redacted]

Yeah it's hella boring !!

[Redacted]

Yeah it was haha

[Redacted]

Found the downside to our floor! Someone's allergic to pumpkins so we can't celebrate Halloween

[Redacted]

damn that sucks!!!im sure you guys will still be able to do stuff though

[Redacted]

I miss you

✓ Seen 1/24/20

| 1/24/20



1/24/20

1/24/20

000212



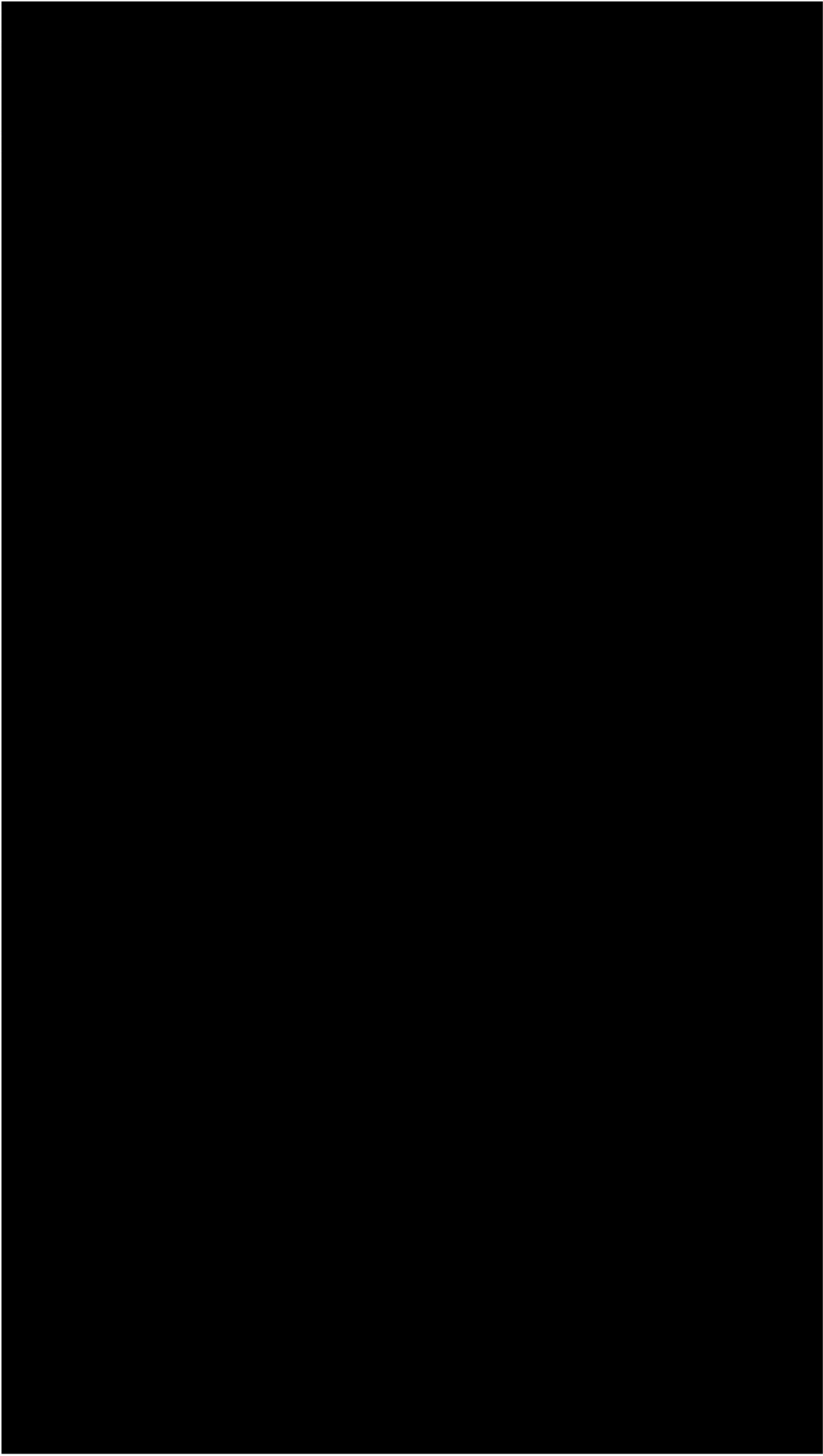
**Conduct.Front.Desk**

---

**From:** [REDACTED]  
**Sent:** Monday, August 18, 2014 11:44 AM  
**To:** Jussel, Adam B  
**Attachments:** photo 1.PNG; ATT00001.txt; photo 2.PNG; ATT00002.txt; photo 3.PNG; ATT00003.txt; photo 4.PNG; ATT00004.txt

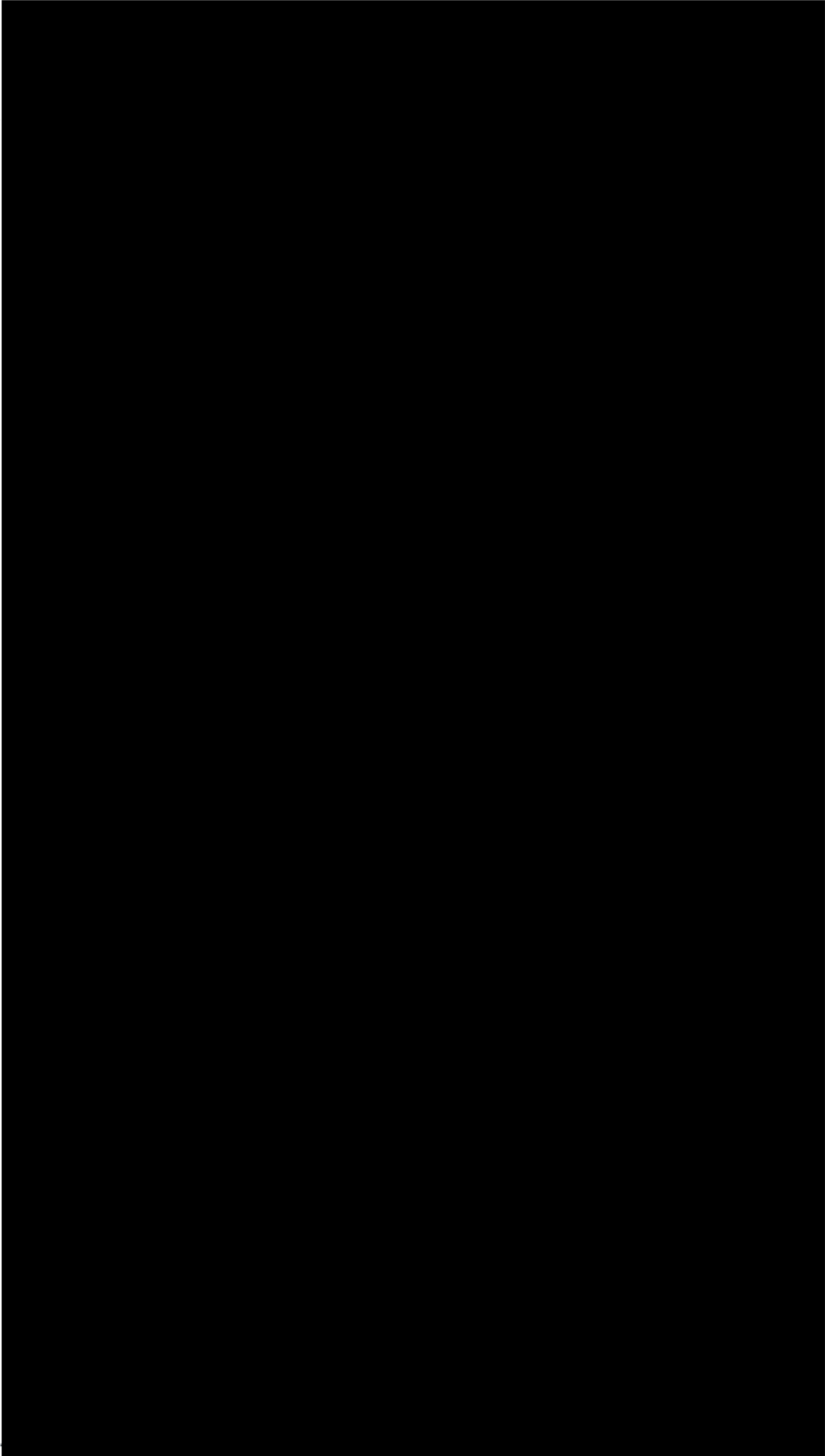
Adam, here are more texts to verify my story as to what happened on the night in question. I'll be sending another email in a moment in regards to text messages the complainant suggests I sent.

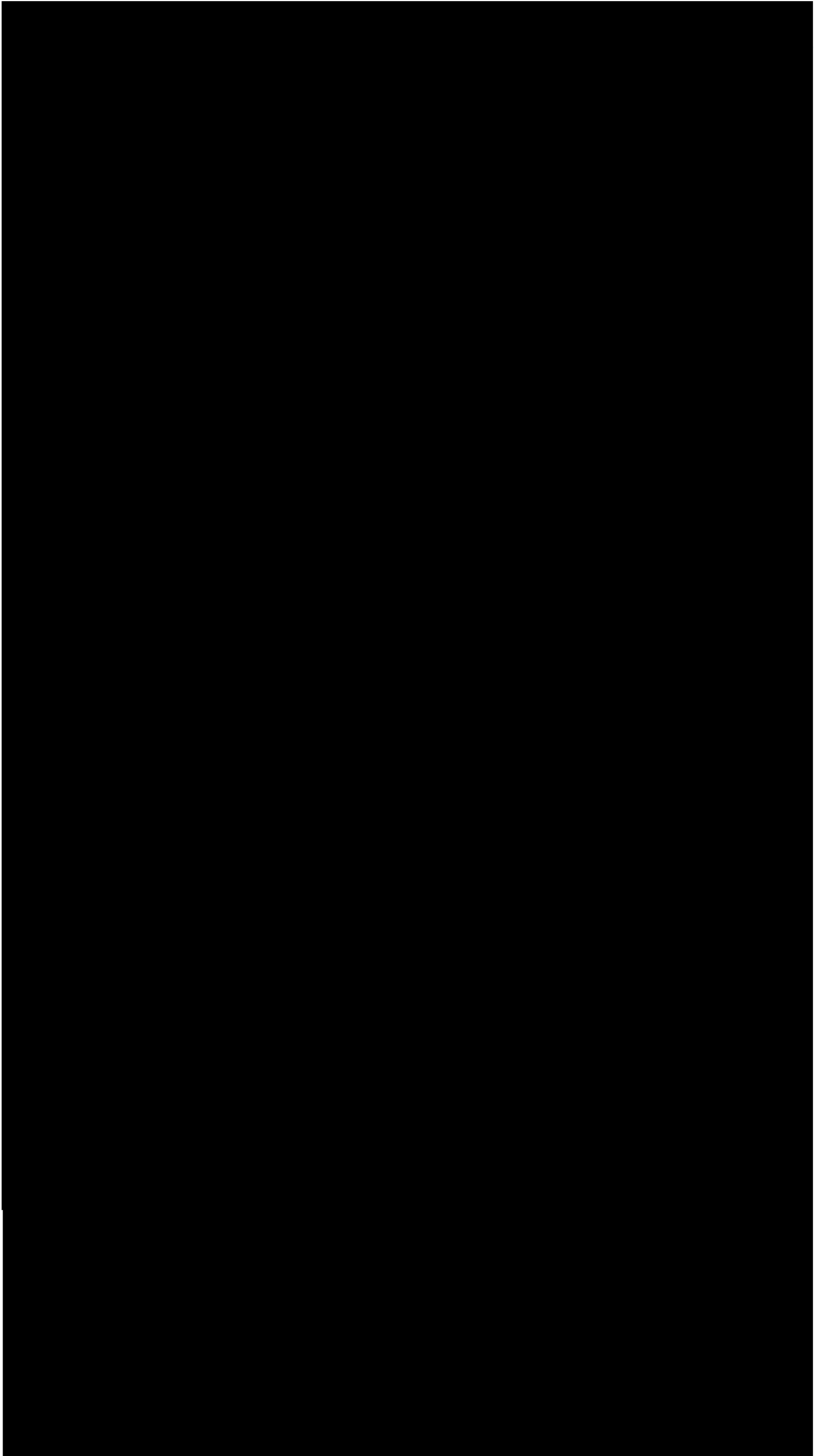
[REDACTED]



000210



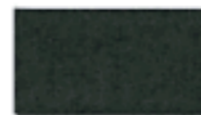




000208



< Messages (2)



Contact

iMessage  
Sun, Jan 26, 7:05 PM

Did you go to [REDACTED] on Friday?

I don't have [REDACTED]

Oh is it [REDACTED]? The one with the blonde lady

Mon, Jan 27, 1:00 PM

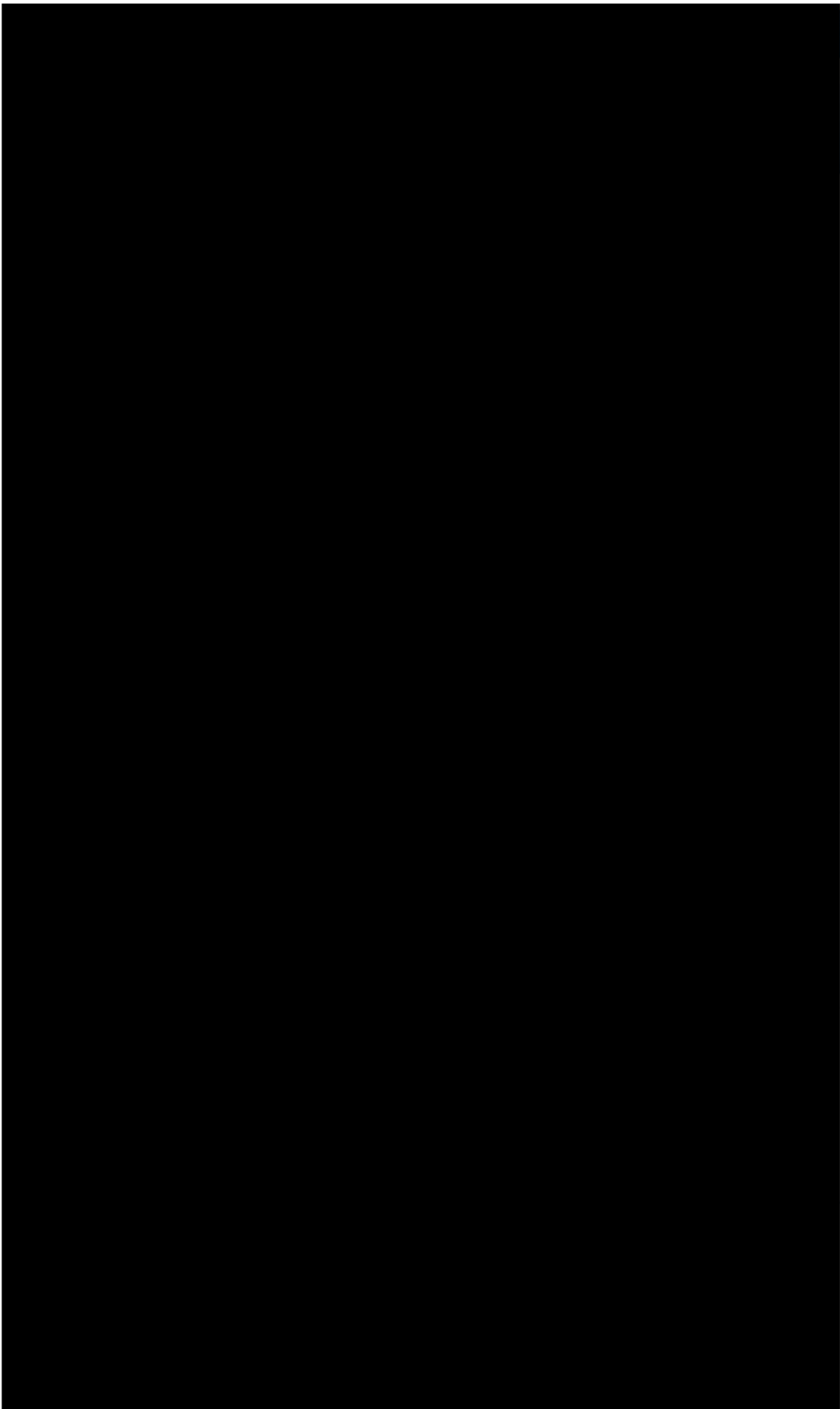
I managed to sprain my knee on Saturday

You just missed a quiz too

Delivered



Send 000207



Message input field containing faint, illegible text.

Send

000208



< Messages (2)



Contact

iMessage  
Sun, Jan 26, 7:05 PM

Did you go to [redacted] on Friday?

I don't have [redacted]

Oh is it [redacted]? The one with the blonde lady

Mon, Jan 27, 1:00 PM

I managed to sprain my knee on Saturday

You just missed a quiz too

Delivered



Send 000207



**UNIVERSITY CONDUCT BOARD HEARING CHECKLIST**

Name of Accused: [REDACTED]  
 Convener: Washington State University, Office of Student Standards and Accountability  
 Date and Time of Hearing: 20 August 2014 at 5:30pm  
 Location of Hearing: French 134 – Office of the Dean of Students

Introduction of complainant, others present, and Board members.

- Accused student identifies himself/herself.
- Student advisor's role

**Board Members**

Lisa McIntyre	Chair
Consetta Helmick	Faculty
David Martin	Faculty

Chair reviews purpose of the hearing and of conduct process

Chair reviews procedure of the hearing:

- Hearings are recorded
- Conduct officer states case
- University/complainant witnesses one at a time
- Accused witnesses, and then accused, one at a time
- Board members may ask questions at any time
- If complainant/accused has questions, he or she can write answer to question that will help Board chair determine whether it is relevant
- Request that witnesses and accused remain available until the Conduct Board has no further questions
- Notification of decision - by mail within 10 calendar days
- Board decision is final unless appeal is filed within 21 days

**WSU/Complainant Witnesses**

Kim Anderson

**Respondent Witnesses**

**ALLEGED VIOLATIONS**

Conduct Officer reads the alleged violations and Board Chair asks accused to respond to each one as follows:

WAC	Acts of Misconduct	Responsible	Not Responsible
504-26-212	Alcohol		
504-26-204	Abuse of self and others		
504-26-224	Reckless Endangerment		
504-26-209	Violation of university policy, rule, or regulation		
504-26-220	Discrimination and discriminatory harassment		
504-26-221	Sexual Misconduct		
504-26-222	Harassment (other than sexual or discriminatory)		

**UNIVERSITY/COMPLAINANT**

**Address to send decision letter**

- Conduct officer states case.
- Swear in: Witnesses for the University/complainant (one at a time)
  - Identify themselves for the record and identify accused student (if applicable)

**ACCUSED STUDENT**

- Swear In: Accused student or accused group states case
  - Swear In: Accused student's or group's witnesses (one at a time)
- 5-10 minute break.*

**Address to send summary letter to complainant (if appropriate)**

**SUMMATIONS**

- Conduct officer's summation, may make recommendation
- Accused student's summation
- Board chair discusses remainder of process
  - Address to send decision letter, which will describe right to appeal
  - All dismissed except Board Members for deliberation
- Adjourn hearing portion

*Do you solemnly swear or affirm, under penalty of perjury, that the testimony you shall give in these proceedings shall be the truth, the whole truth, and nothing but the truth?*

**Responsible                      Not Responsible**

**Deliberation in closed session**

- Determination of findings of fact supporting responsibility/non responsibility.
- Determination of sanction to be imposed. List sanctions here:

**Jussel, Adam B**

---

**From:** Jussel, Adam B  
**Sent:** Monday, August 11, 2014 1:58 PM  
**To:** [REDACTED]  
**Subject:** WSU Conduct Board Hearing  
**Attachments:** 201408111357.pdf

[REDACTED],

Attached is a notice of your conduct board hearing on 20 August 2014 beginning at 5:30 p.m. Please note that the language in the charges (Attachment A) changed. The Standards of Conduct for Students were amended this summer effective early June. The letter I had previously sent you had the new language listed in the charges. However, because the alleged incident occurred in January 2014, we are using the old version of the Standards of Conduct. We have not added any additional charges, just changed the language to the old version of the Standards of Conduct that was effective in January 2014.

Please let me know if you have any questions.

Best,

Adam Jussel | Director, Student Standards and Accountability Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

11 August 2014

By U.S. Mail and Email ( [REDACTED] )

Ms. [REDACTED]

RE: Notice of Conduct Board Hearing

Dear [REDACTED],

This letter is your official notice that you have a hearing before the University Conduct Board beginning at 5:30 p.m. on 20 August 2014 in French 134 – the Dean of Students Office, and will continue until the Conduct Board members are satisfied with their review of relevant information. You are being charged with violating the Standards listed in Attachment A.

The behavior and incidents that will be before the Conduct Board are described in the Washington State University Office for Equal Opportunity (OEO) memorandum dated 23 July 2014. You have also received a copy of this memorandum. The behavior and incidents described in the OEO investigative memorandum, if true, constitute violations of the Washington State University Standards of Conduct for Students.

If you fail to appear at the hearing, it may proceed in your absence and a decision will be made on responsibility and sanctions, if appropriate.

The information being reviewed in the Conduct Board hearing includes the following:

1. Documents submitted by yourself, if any.
2. Documents submitted by WSU's Office of Student Standards and Accountability, including the OEO investigative memorandum.
3. Witness statements, if any.

The following individuals are currently planning on testifying before the Conduct Board:

1. Kim Anderson, Director of OEO. Director Anderson will provide testimony regarding WSU's Executive Policy #15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct, and information received during OEO's joint investigation with SSA regarding the incidents described above in the attached documents.

If there will be additional witnesses or additional material presented to the Board other than those listed above, I will provide you with notice of and access to that information no later than close of business two days before the hearing.

You may have witnesses called on your behalf. If you have witnesses, you must inform my office of their names, addresses, and telephone numbers, and provide their written statements, if they have not already provided one, to our office no later than close of business two days before the hearing. Your witnesses must submit written statements in advance for the Board to review. Witnesses will not be allowed to speak to the Board unless they provide a statement before the hearing. You are responsible for informing your witnesses of the time, date and location of the hearing.



You will be asked to provide information to the Board. Under the Standards of Conduct, you have the right to remain silent when charged with any act that may be a violation of criminal law, but if you choose to do so at the Board hearing, you give up your opportunity to explain your version of the events.

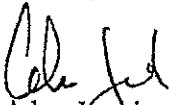
An advisor of your choice may accompany you to this hearing. If you do not have one and would like to be in contact with one, please call Mel Morgan in the Dean of Students Office at 509-335-5757. The advisor may provide advice and consultation to you in advance of the scheduled hearing. Your advisor may not address the Conduct Board, conduct officer, or any witnesses during the conduct hearing.

If you are found responsible for violating the Standards of Conduct, the Board has the authority to impose sanctions, which may include suspension or expulsion from the University. You are responsible for reviewing and understanding all of the Standards of Conduct, including the provisions discussing the Conduct Board hearing process, which are described in WAC 504-26-403 and available online at [standards.wsu.edu](http://standards.wsu.edu).

In order to prepare for the hearing you may wish to review the contents of your student conduct file. Please call 509-335-4532 to arrange a time to do so.

Please contact me if you have questions.

Sincerely,



Adam Jussel  
Director, Office of Student Standards & Accountability

Enclosures

000208

Attachment A

Standards Being Charged

**WAC 504-26-212 Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

**WAC 504-26-204 Abuse of self and others.** Physical abuse, threats, intimidation, and/or other conduct which threatens or endangers the health or safety of any person, including one's self.

**WAC 504-26-224 Reckless Endangerment.** Engaging in conduct that creates an unreasonable risk of harm to another person or property.

**WAC 504-26-209 Violation of university policy, rule, or regulation.** Violation of any university policy, rule or regulation published electronically on the university website or in hard copy. *Specifically, WSU's Executive Policy #15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct.*

**WAC 504-26-220 Discrimination.** Discrimination on the basis of race, color, religion, ancestry, national or ethnic origin, age, gender, marital status, veteran status, sexual orientation, gender identity, or mental, physical, or sensory disability is prohibited in conformity with federal and state law.

**WAC 504-26-221 Sexual misconduct.** (1) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism.  
(2) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given agreement to sexual activity-silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when: (a) Force or blackmail is threatened or used to procure compliance with the sexual activity; or (b) The person is unconscious or physically unable to communicate his or her unwillingness to engage in sexual activity; or (c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause.  
(3) A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, or filmed is in a place where he or she has a reasonable expectation of privacy.

**WAC 504-26-222 Harassment.** Conduct by any means that is severe, pervasive, or persistent, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in his or her regular life activities or participate in the activities of the university, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.

Per WAC 504-26-301, if you are found responsible for violating any of the above-listed Standards as a result of causing injury to another, and if you are found to have intentionally selected the victim based on your perception of the victim's gender, that finding is an aggravating factor in determining the sanction for the conduct.

11 August 2014

By U.S. Mail and Email [REDACTED]

[REDACTED]

RE: Notice of Conduct Board Hearing

Dear [REDACTED],

**This letter is your official notice that you have a hearing before the University Conduct Board beginning at 5:30 p.m. on 20 August 2014 in French 134 – the Dean of Students Office, and will continue until the Conduct Board members are satisfied with their review of relevant information. You are being charged with violating the Standards listed in Attachment A.**

The behavior and incidents that will be before the Conduct Board are described in the Washington State University Office for Equal Opportunity (OEO) memorandum dated 23 July 2014. You have also received a copy of this memorandum. The behavior and incidents described in the OEO investigative memorandum, if true, constitute violations of the Washington State University Standards of Conduct for Students.

If you fail to appear at the hearing, it may proceed in your absence and a decision will be made on responsibility and sanctions, if appropriate.

The information being reviewed in the Conduct Board hearing includes the following:

1. Documents submitted by yourself, if any.
2. Documents submitted by WSU's Office of Student Standards and Accountability, including the OEO investigative memorandum.
3. Witness statements, if any.

The following individuals are currently planning on testifying before the Conduct Board:

1. Kim Anderson, Director of OEO. Director Anderson will provide testimony regarding *WSU's Executive Policy #15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct*, and information received during OEO's joint investigation with SSA regarding the incidents described above in the attached documents.

If there will be additional witnesses or additional material presented to the Board other than those listed above, I will provide you with notice of and access to that information no later than close of business two days before the hearing.

You may have witnesses called on your behalf. If you have witnesses, you must inform my office of their names, addresses, and telephone numbers, and provide their written statements, if they have not already provided one, to our office no later than close of business two days before the hearing. Your witnesses must submit written statements in advance for the Board to review. Witnesses will not be allowed to speak to the Board unless they provide a statement before the hearing. You are responsible for informing your witnesses of the time, date and location of the hearing.



You will be asked to provide information to the Board. Under the Standards of Conduct, you have the right to remain silent when charged with any act that may be a violation of criminal law, but if you choose to do so at the Board hearing, you give up your opportunity to explain your version of the events.

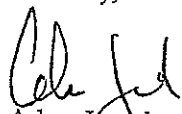
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In order to prepare for the hearing you may wish to review the contents of your student conduct file. Please call 509-335-4532 to arrange a time to do so.

Please contact me if you have questions.

Sincerely,



Adam Jussel  
Director, Office of Student Standards & Accountability

Enclosures

## Attachment A

### Standards Being Charged

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Per WAC 504-26-301, if you are found responsible for violating any of the above-listed Standards as a result of causing injury to another, and if you are found to have intentionally selected the victim based on your perception of the victim's gender, that finding is an aggravating factor in determining the sanction for the conduct.

**Jussel, Adam B**

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**From:** Jussel, Adam B  
**Sent:** Friday, July 25, 2014 5:57 PM  
**To:** [REDACTED]  
**Subject:** RE: Request for continuance

[REDACTED],

Yes. You can access a redacted copy of your conduct file by contacting my office at 509/335-4532 to schedule an appointment to review it. Please know that it takes us a few days to redact the file, so early notice would be helpful.

Adam Jussel | *Director, Student Standards and Accountability*  
Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

**From:** [REDACTED]  
**Sent:** Friday, July 25, 2014 10:55 AM  
**To:** Jussel, Adam B  
**Subject:** RE: Request for continuance

Thank you for the update, Adam. I was wondering if I could receive access to my conduct file?

Thank you, [REDACTED]

Sent using OWA for iPhone

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**From:** Jussel, Adam B <[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)>  
**Sent:** Friday, July 25, 2014 10:34:49 AM  
**To:** [REDACTED]  
**Subject:** RE: Request for continuance

[REDACTED]

Your request for continuance has been granted by the Board Chair. Your hearing will be held on 20 August 2014 beginning at 5:30 p.m. in French 134. Please let me know if you have any questions or concerns.

Adam Jussel | *Director, Student Standards and Accountability*  
Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

**From:** [REDACTED]  
**Sent:** Thursday, July 24, 2014 3:00 PM  
**To:** Jussel, Adam B  
**Subject:** Request for continuance

To whom it may concern, I would like to request a continuance for the conduct board hearing currently scheduled for July 30th at 5:30 PM. I am requesting this because my wisdom teeth were removed today(July



24th) and due to the recovery time, I would not be able to attend the hearing in person. While the school has agreed to let me participate via phone, I would prefer to attend in person as the investigation leading to the hearing was both long and confusing-not only to me, but those investigating it. I would feel more comfortable being able to defend myself and present my case in person. I would also like to request that the hearing take place during week or welcome (week of August 18th) but would gladly accept any continuance allowing me to physically be present. As I stated before, because of my surgery and recovery time, there is no way that I can physically be present for my board hearing. Presenting myself in person to the board feels important to me because those on it can see my honest reactions, and it would also allow me to be accompanied by an advisor provided from the school.

Thank you for your consideration, [REDACTED]

Sent using OWA for iPhone

**Jussel, Adam B**

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**From:** Jussel, Adam B  
**Sent:** Friday, July 25, 2014 10:35 AM  
**To:** [REDACTED]  
**Subject:** RE: Request for continuance

[REDACTED]

Your request for continuance has been granted by the Board Chair. Your hearing will be held on 20 August 2014 beginning at 5:30 p.m. in French 134. Please let me know if you have any questions or concerns.

Adam Jussel | *Director, Student Standards and Accountability*  
Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

**From:** [REDACTED]  
**Sent:** Thursday, July 24, 2014 3:00 PM  
**To:** Jussel, Adam B  
**Subject:** Request for continuance

To whom it may concern, I would like to request a continuance for the conduct board hearing currently scheduled for July 30th at 5:30 PM. I am requesting this because my wisdom teeth were removed today (July 24th) and due to the recovery time, I would not be able to attend the hearing in person. While the school has agreed to let me participate via phone, I would prefer to attend in person as the investigation leading to the hearing was both long and confusing—not only to me, but those investigating it. I would feel more comfortable being able to defend myself and present my case in person. I would also like to request that the hearing take place during week or welcome (week of August 18th) but would gladly accept any continuance allowing me to physically be present. As I stated before, because of my surgery and recovery time, there is no way that I can physically be present for my board hearing. Presenting myself in person to the board feels important to me because those on it can see my honest reactions, and it would also allow me to be accompanied by an advisor provided from the school.

Thank you for your consideration, [REDACTED]

Sent using OWA for iPhone

**Jussel, Adam B**

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**From:** Jussel, Adam B  
**Sent:** Sunday, July 27, 2014 2:18 PM  
**To:** [REDACTED]  
**Subject:** RE: Board Meeting

[REDACTED]

Just for your information, the Board will be hearing this matter on 20 August 2014, not 30 July 2014. Please let me know if you have any questions.

Adam Jussel | Director, Student Standards and Accountability Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

-----Original Message-----

**From:** Jussel, Adam B  
**Sent:** Friday, July 25, 2014 5:04 PM  
**To:** [REDACTED]  
**Subject:** RE: Board Meeting

[REDACTED]

If you have questions about the board hearing process, please don't hesitate to call me at [REDACTED]. I will make sure your e-mail is placed in the file for the Board's consideration. Also, please know that the Standards of Conduct prohibit retaliation, which includes any act that would dissuade a reasonable person from making or supporting a complaint, or participating in an investigation, under the Standards of Conduct. If a student retaliated against you for participating in the investigation or conduct process, they would be subject to sanctions under the Standards of Conduct.

Adam Jussel | Director, Student Standards and Accountability Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, July 23, 2014 6:05 PM  
**To:** Jussel, Adam B  
**Subject:** Board Meeting

Dear Mr. Jussel,

Thank you for letting me know the time of the Board meeting. I just want to let you know that I do not wish to participate any further in the investigation. I just want to move past what happened and focus on starting fresh this fall semester. I just have one question though, is there anyway the university can get it to where [REDACTED] can't contact me or be around me after the investigation? Thank you.

[REDACTED]



## Conduct.Front.Desk

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**From:** Anderson, Kimberly  
**Sent:** Wednesday, July 23, 2014 4:47 PM  
**To:** [REDACTED]  
**Cc:** Jussel, Adam B  
**Subject:** WSU Office for Equal Opportunity 2014-018  
**Attachments:** Pullman - Student RP.pdf; EP 15 2014.pdf; 20140723163338213.pdf

Dear Ms. [REDACTED]:

Attached is a copy of this office's investigative memorandum to Mr. Adam Jussel, Director, Office of Student Standards and Accountability (SSA), in the matter involving you. All student names, including your own, were redacted to protect student privacy. Student A also will receive a copy of this memorandum. I anticipate that someone from SSA will contact you regarding any additional steps SSA may take in this matter.

Please know that the provisions of which you were informed in the notification letter from this office dated January 31, 2014, remain effective. You are prohibited from engaging in any form of retaliation against Student A or any other person participating in, or whom you believe has participated in this investigation. As we have informed all participants in this investigation, you should not attempt to influence potential witnesses or alter or destroy any records related to the events referenced in this memorandum; your discussing this memorandum or this investigation with Student A or other witnesses could be construed as attempting to influence witnesses.

Please also find the attached list of resources that may be available to you. Please contact me if you have any questions.

Kimberly D. Anderson, Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)

## Conduct.Front.Desk

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**From:** Anderson, Kimberly  
**Sent:** Wednesday, July 23, 2014 4:47 PM  
**To:** [REDACTED]  
**Cc:** Jussel, Adam B  
**Subject:** WSU Office for Equal Opportunity 2014-018  
**Attachments:** Pullman - Student CP - DV&SA.pdf; 20140723163338213.pdf

Dear Mr. [REDACTED]

Attached is a copy of this office's investigative memorandum to Mr. Adam Jussel, Director, Office of Student Standards and Accountability (SSA), in the matter involving you. All student names, including your own, were redacted to protect student privacy. The other student involved will also receive a copy of this memorandum. I anticipate that someone from SSA will contact you regarding any additional steps SSA may take regarding this matter.

Please also find the attached list of resources that may be available to you. Please contact me if you have any questions.

Kimberly D. Anderson, Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)

**Conduct.Front.Desk**

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 23, 2014 6:05 PM  
**To:** Jussel, Adam B  
**Subject:** Board Meeting

Dear Mr. Jussel,

Thank you for letting me know the time of the Board meeting. I just want to let you know that I do not wish to participate any further in the investigation. I just want to move past what happened and focus on starting fresh this fall semester. I just have one question though, is there anyway the university can get it to where [REDACTED]s can't contact me or be around me after the investigation? Thank you.

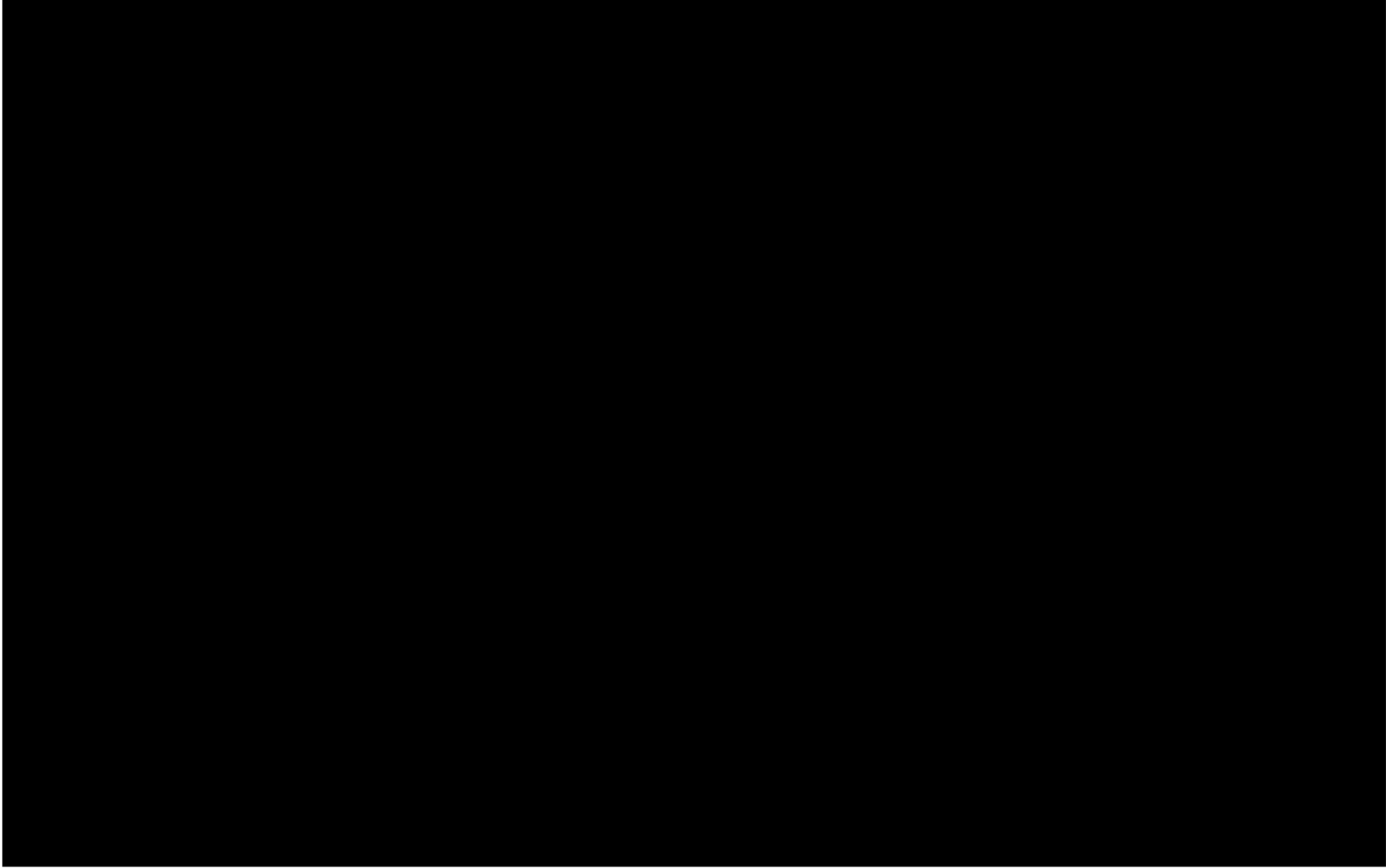
[REDACTED]



**Conduct.Front.Desk**

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**From:** [REDACTED]  
**Sent:** Wednesday, July 23, 2014 5:12 PM  
**To:** Jussel, Adam B  
**Subject:** RE: WSU Conduct Board Hearing



23 July 2014

By U.S. Mail and Email ([REDACTED])

Ms. [REDACTED]

RE: Notice of Conduct Board Hearing

Dear [REDACTED],

**This letter is your official notice that you have a hearing before the University Conduct Board beginning at 5:30 p.m. on 30 July 2014 in French 134 – the Dean of Students Office, and will continue until the Conduct Board members are satisfied with their review of relevant information.**

The behavior and incidents that will be considered by the Conduct Board are described in the Washington State University Office for Equal Opportunity (OEO) memorandum dated 23 July 2014. You have also received a copy of this memorandum. Based on the OEO memorandum, you are being charged with violating the Standards of Conduct listed in **Attachment A**.

If you fail to appear at the hearing, it may proceed in your absence and a decision will be made on responsibility and sanctions, if appropriate.

The information being reviewed in the Conduct Board hearing includes the following:

1. Documents submitted by yourself, if any.
2. Documents submitted by WSU's Office of Student Standards and Accountability, including the OEO investigative memorandum.
3. Witness statements, if any.

The following individuals are currently planning on testifying before the Conduct Board:

1. Kim Anderson, Director of OEO. Director Anderson will provide testimony regarding *WSU's Executive Policy #15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct*, and information received during OEO's joint investigation with SSA regarding the incidents described above in the attached documents.

If there will be additional witnesses or additional material presented to the Board other than those listed above, I will provide you with notice of and access to that information no later than close of business two days before the hearing.

You may have witnesses called on your behalf. If you have witnesses, you must inform my office of their names, addresses, and telephone numbers, and provide their written statements, if they have not already provided one, to our office no later than close of business two days before the hearing. Your witnesses must submit written statements in advance for the Board to review. Witnesses will not be allowed to speak to the Board unless they provide a statement before the hearing. You are responsible for informing your witnesses of the time, date and location of the hearing.

You will be asked to provide information to the Board. Under the Standards of Conduct, you have the right to remain silent when charged with any act that may be a violation of criminal law, but if you choose to do so at the Board hearing, you give up your opportunity to explain your version of the events.

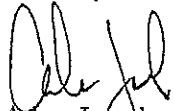
An advisor of your choice may accompany you to this hearing. If you do not have one and would like to be in contact with one, please call Mel Morgan in the Dean of Students Office at 509-335-5757. The advisor may provide advice and consultation to you in advance of the scheduled hearing. Your advisor may not address the Conduct Board, conduct officer, or any witnesses during the conduct hearing.

If you are found responsible for violating the Standards of Conduct, the Board has the authority to impose sanctions, which may include suspension or expulsion from the University. You are responsible for reviewing and understanding all of the Standards of Conduct, including the provisions discussing the Conduct Board hearing process, which are described in WAC 504-26-403 and available online at [standards.wsu.edu](http://standards.wsu.edu).

In order to prepare for the hearing you may wish to review the contents of your student conduct file. Please call 509-335-4532 to arrange a time to do so.

Please contact me if you have questions.

Sincerely,



Adam Jusel  
Director, Office of Student Standards & Accountability

Enclosures



Attachment A

Standards Being Charged

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**WAC 504-26-220 Discrimination and discriminatory harassment.** Discrimination or discriminatory harassment on the basis of race; sex/gender; sexual orientation; gender identity/expression; religion; age; color; creed; national or ethnic origin; physical, mental, or sensory disability (including disability requiring the use of a trained service animal); marital status; genetic information; and/or status as an honorably discharged veteran or member of the military; and as defined in Washington State University's Executive Policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.

**WAC 504-26-221 Sexual misconduct.**

(1) Sexual misconduct is an egregious form of sex discrimination/sexual harassment. A number of acts may be regarded as sexual misconduct including, but not limited to, nonconsensual sexual contact (including sexual intercourse) and sexual exploitation. Sexual misconduct includes sexual assault and other sexual violence.

(2) Consent. Consent to any sexual activity must be clear, knowing, and voluntary. Anything less is equivalent to a "no." Clear, knowing, and voluntary consent to sexual activity requires that, at the time of the act, actual words or conduct demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

(a) Force or coercion is threatened or used to procure compliance with the sexual activity.

(i) Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.

(ii) Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. When an individual makes it clear through words or actions that he or she does not want to engage in sexual contact, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail or extortion to overcome resistance or gain consent to sexual activity.

(b) The person is asleep, unconscious, or physically unable to communicate his or her unwillingness to engage in sexual activity; or

(c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if she or he cannot fully understand the details of the

sexual interaction (i.e., who, what, when, where, why, and how), and/or he or she lacks the capacity to reasonably understand the situation and to make rational, reasonable decisions.

(3) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by one person against another person's intimate parts (or clothing covering any of those areas), or by causing another person to touch his or her own or another person's intimate body parts without consent and/or by force. Sexual contact also can include any intentional bodily contact in a sexual manner with another person's nonintimate body parts. It also includes nonconsensual sexual intercourse.

(4) Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses explained above. Examples of sexual exploitation may include, but are not limited to:

(a) Causing or attempting to cause the incapacitation of another person to gain sexual advantage over such other person;

(b) Invading another person's sexual privacy;

(c) Prostituting another person;

(d) Engaging in voyeurism. A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, records, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where he or she has a reasonable expectation of privacy;

(e) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection;

(f) Exposing one's intimate parts in nonconsensual circumstances;

(g) Sexually based stalking and/or bullying.


(5) Use of alcohol or other drugs is not a valid defense to a violation of this policy.

**WAC 504-26-222 Harassment (other than sexual harassment or discriminatory harassment).**


Harassment is conduct by any means that is severe, persistent, or pervasive, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in his or her regular life activities or participate in the activities of the university, and/or actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.

Per WAC 504-26-301, if you are found responsible for violating any of the above-listed Standards as a result of causing injury to another, and if you are found to have intentionally selected the victim based on your perception of the victim's gender, that finding is an aggravating factor in determining the sanction for the conduct.

23 July 2014

By Email 

RE: Notice of Conduct Board Hearing

Dear Mr. 

The University Conduct Board (the Board) is convening for a hearing on 30 July 2014 at 5:30 p.m. relating to the incidents described in the OEO investigation memorandum dated 23 July 2014. You have received a copy of this memorandum

The purpose of this hearing is to examine information presented, determine whether the accused student is responsible for violating the Standards of Conduct for Students, and to impose educational sanctions, if appropriate. If you have any questions about the hearing process, please contact me at 509-335-4532.

You have the right to attend the hearing and provide information. If you choose to attend the hearing, you will not be required to interact with or be in the same room as the accused student. Please let me know if you would like our office to make arrangements for you to be in a different room and/or participate via conference call. You may make a statement to the Board, and you and the accused student will be able to submit questions to the Board Chair. The Chair/Conduct Officer will review those questions and will ask the questions he/she deems appropriate. As previously stated, you will not be required to speak to the accused student at any time.

You may also have an advisor accompany you during this process. Advisors are not permitted to participate in the process, but can be present to advise complainants and accused students. **If you would like to attend the hearing, please notify me by no later than close of business two days before the scheduled hearing.**

If you choose not to attend the hearing, you may still provide a statement to the Board in advance of the hearing. **If you wish to do so, please submit that statement no later than close of business two days before the scheduled hearing.** You can email this statement to me at [adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) or you may deliver it to my office in Lighty 260.

You may have witnesses called on your behalf. If you have witnesses, please provide me with their names, addresses, and telephone numbers. Witnesses are required to submit written statements in advance of the hearing for the Board to review. Witnesses will not be allowed to speak to the Board unless they provide a written statement to my office, no later than close of business two days before the scheduled hearing. You or your witnesses may email these statements to me at [adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) or you may deliver them to my office in Lighty 260. We ask that you inform your witnesses of the time, date and location of the hearing.



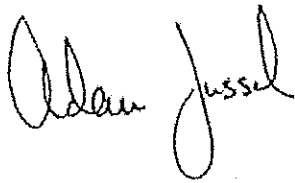
To prepare for the Conduct Board hearing, or to prepare your statement, you may also review the conduct file. To schedule a time to do so, please contact our office at 509-335-4532.

Please know that WSU prohibits retaliation against anyone who participates in the investigative and disciplinary processes mentioned above. Any student who retaliates against you for reporting an incident will be subject to investigation and related penalties. Retaliation will be regarded as independent grounds for investigation.

If you have any questions or concerns, please don't hesitate to contact me.

Thank you for your help in this matter.


Sincerely,

A handwritten signature in black ink that reads "Adam Jussel". The signature is written in a cursive style with a large, looped initial "A".

Adam Jussel  
509-335-4532  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)  
Director, Office of Student Standards and Accountability  
Washington State University

MEMORANDUM

To: Adam B. Jussel, Director, Student Standards and Accountability

From: Kimberly D. Anderson, Director  
Office for Equal Opportunity 

Date: July 23, 2014

Subject: Investigation, re: OEO [REDACTED]

The Washington State University (WSU) Office for Equal Opportunity (OEO), with the Office of Student Standards and Accountability (SSA), commenced an investigation in response to information received from the WSU Department of Residence Life regarding the alleged conduct of Ms. [REDACTED] (Student B), a female WSU undergraduate student. Allegedly, Student B, subjected [REDACTED] (Student A), a male WSU undergraduate student, to unwanted, nonconsensual sexual contact in the early morning hours of January 26, 2014.

These allegations implicated the WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct, Executive Policy #15 (EP 15), and relevant provisions of the WSU Standards of Conduct for Students, and warranted this investigation. This memorandum summarizes OEO's investigation, provides findings of fact, states a conclusion as to whether EP 15 was violated, and makes a recommendation to SSA regarding further disciplinary proceedings.

Investigators interviewed Student A, Student B, and the following individuals:

1. [REDACTED] (Student C), a WSU undergraduate student who interacted with Student A and Student B before and after the alleged incident;
2. [REDACTED] (Student D), a WSU undergraduate student who interacted with Student A and Student B after the alleged incident; and
3. [REDACTED] (Student E), a WSU undergraduate student who interacted with Student A and Student B before and after the alleged incident.

OEO contacted [REDACTED] (Student F), a WSU undergraduate student; however, she declined to participate in the investigation.

Investigators reviewed the following documents:

1. Screenshots of text messages exchanged between Student B and her friend on January 26, 2014, which were provided by Student B;
2. Screenshot of Facebook message sent from Student B to Student A on January 26, 2014, which was provided by Student A; and
3. A WSU Department of Residence Life incident report regarding the alleged incident.

### *Analysis*

Student A said that beginning at approximately 9:00-10:00 p.m. on the evening of January 25, 2014, he consumed alcohol and played drinking games with friends, including Student C, Student E, and Student F, in a residence hall room. Student B said she joined the group at approximately 10:30-11:30 p.m. Both Student A and Student B said that they played drinking games with the group for several hours. Student A, Student C and Student E said Student A and Student B remained with the group until approximately 12:00 a.m. Student B said she had stayed with the group playing drinking games until approximately 1:30 a.m., which was inconsistent with the statements of Student A and the other witnesses.

Student A, Student C, and Student E stated that Student A was highly intoxicated due to his having consumed a large amount of alcohol, including most of a bottle of Fireball cinnamon whiskey, which was described as a "standard fifth," and some amount of vodka, which he also consumed "straight from the bottle." Student C and Student E stated that Student A had slurred speech, difficulty balancing, and could not form clear sentences. Student A said he did not have a clear memory of the events of that evening. Student A said that leading up to and during the time the sexual contact occurred, his level of intoxication on a scale from one to ten was a ten; Student C said Student A was at a nine.

Student B said that she "stumbled" and "walked against the wall" leading up to the time sexual contact occurred. She said she consumed a large amount of alcohol and that her level of intoxication was an eight. Student B said she played the drinking game "rage cage" with the group and during the first round she consumed 14 to 15 cups which she estimated to be the equivalent of approximately seven shots of a vodka and Hawaiian punch mixture. She said that Student A had three or four cups during the first round. She said that between rounds she consumed two shots of tequila and two or three "swigs" of Fireball. She said Student A was taking "shorter sips" and "I was taking bigger drinks." She said that during the second round, Student A's friends were giving her "more cups." She said she took three additional shots of Jack Daniel's whiskey, then left the group at approximately 1:30 a.m. to go to the restroom. She said she vomited in the restroom four times for a total of approximately five minutes. She said she had a clear memory of the events of that evening.

Student C, Student D, and Student E all stated that, although they knew Student B had consumed some alcohol, she did not appear to be intoxicated. Student C, Student D and Student E described Student B at a low level of intoxication and not exhibiting signs of intoxication. Student C said Student B joined the group while they were playing the drinking game "beer pong." She said Student B was not drinking at that time but she did see her drink during "rage cage." She said that Student A and Student B were not interacting during the game but Student B moved next to Student A after and began touching his arms. She said she did not see any indication at that point that Student A was interested in Student B.

After Student A and Student B left the group, they both ended up in Student B's residence hall room. Student A said he did not remember how he got to Student B's room, but he did remember her kissing him and asking if he had a condom. Student B said Student A approached her in the hall outside her door and began kissing her. She said she told Student A, "If you want to have sex tonight you should find a condom." Student A and Student B agreed that Student A had left Student B to find a condom. Student C said she saw Student A and Student B talking at the end of the hall before Student A came back to the group and asked for a condom. Student C said that she and others attempted to persuade Student A that he should not engage in sexual activities with Student B because of his level of intoxication.

Student A and Student B agreed that after Student A returned to Student B's room, sexual contact occurred. Student B described this as including her performing "oral sex" on Student A, Student A performing "oral sex" on her, attempting vaginal intercourse, and Student B resuming "oral sex" on Student A. Student B said that Student A and Student B moved into the shower, located in her room, where they again attempted vaginal intercourse and Student B again performed "oral sex" on Student A. Student A said he did not remember the details of the sexual activity but he "knew sex happened." He said he only remembered that he had been on top of her and that she had performed "oral sex" on him. He said he remembered seeing a bag of condoms in Student A's room and that after performing "oral sex" on him, she told him, "Let's go to the shower." He said he recalled Student A performing oral sex on him in the shower and he thought he ejaculated in the shower. Student A said he wanted to leave because he was "really uncomfortable" but Student B told him to wait.

Student C said that while Student A and Student B were in Student B's room, she and Student F attempted to check on Student A by knocking on Student B's door and asking to see him. Student C said that Student B was persistent in attempting to keep Student A from talking with her, however, she stated that Student A did respond and she saw him naked. She said that she knew he lacked the capability to understand what was happening because she knew that he would not have allowed her to see him naked.

Student A and Student B agreed that Student A had asked Student B to find his bottle of Fireball whiskey and she left him alone in her room to look for the bottle. Student A said he had asked her to look for it because he "just wanted her gone." Student C said that while Student A was out of the room, she and Student E knocked on the door and



attempted to contact Student A. Student C and Student E said that as soon as Student B heard her knocking, Student B ran back toward her room. Student E said that Student B said, "'Don't ruin this for me.'"

Student A said that after the sexual contact had occurred he "realiz[ed] [it was] bad and [he] wanted out." He said he "kept trying to leave" but Student B asked him to wait. He said he felt uncomfortable, and he told Student B he had to leave to find his friends. Student A said he left Student B's room and "ended up" in Student C's room and told her what had happened; he said he did not remember if he walked alone to Student C's room or if Student C had found him and escorted him. Student A and Student C said Student B visited Student C's room and requested to see Student A. Student A said he hid in the closet and Student C told Student B he was not in her room. Student A said that while he was hiding in the closet, Student B sent him text messages asking questions about a class and sent him a Facebook message that said, "I miss you."

Student C said that Student B went to her room and told her that Student A had left his cougar card in her room. Student C told her that she would retrieve it for him. Student C said that, on the way to Student B's room, Student C told Student B, "You could get in trouble; this could be considered rape." She said that Student B did not appear to react, and said something to the effect of, "'I just want to hang out with [Student A].'" Student C said that Student B was unable to locate Student A's cougar card, and Student C found out later that Student A had his cougar card the entire time.

When speaking with investigators prior to her interview, Student B indicated that she wished to file a counter complaint against Student A. She alleged that she had been very intoxicated at the time of the sexual contact and that Student A had not been as intoxicated as she was. Student B's statements about her level of intoxication and Student A's level of intoxication were not consistent with Student A's, or any of the other witnesses' statements.

Following her interview with investigators, Student B submitted a record of text messages which she exchanged with a friend on the night of the alleged incident. (see attached). Student B sent a text message at 1:10 a.m., in which she stated that she was drunk, at 1:30 a.m. she sent a message informing her friend that she had vomited, and at 3:00 a.m. she sent a message informing her friend that she "slept with a guy and he went to another girls room," and that she gave her "first blowjob." The text messages from Student B to her friend contain unintelligible phrases and several misspelled words. The content and format of the messages support Student B's assertion that she was intoxicated on the night of the alleged incident. However, it is not clear how the timing of the text messages corresponds to the timing of the events of that evening.

Based on the foregoing and the totality of the evidence documented by the investigation, using a standard of "more likely than not," OEO finds:

1. Student A and Student B were both WSU undergraduate students at the time of the incident.

2. Student A's statements to investigators were spontaneous, internally consistent, generally consistent with the statements of witnesses, and did not appear rehearsed. For these reasons, OEO found Student A's statements credible.
3. Student B's statements to investigators were self-serving, at times contradictory, and were inconsistent with the statements of several witnesses. For these reasons, OEO found Student B's statements to be less credible than those of Student A.
4. On the evening of January 25, 2014, Student A consumed alcohol and played drinking games with friends in a residence hall room. Student B later joined the group and also consumed alcohol and played drinking games.
5. Student A consumed a large amount of Fireball whiskey, approximately one-fifth of a gallon and an indeterminate amount of vodka on the evening of January 25, 2014.
6. As a result of his having consumed this alcohol, Student A lacked a clear memory and was unable to provide a clear timeline of events. Consistent with witness statements, Student A had difficulty maintaining balance, slurred his speech, and was unable to form clear sentences.
7. Student B had consumed some alcohol on the evening of January 25, 2014 and was intoxicated. Student B said she had a clear memory of the events of that evening. Witnesses stated that she was walking normally, did not slur her words, and did not display other behavior which could have indicated that she had been intoxicated. Student B's statements about the amount of alcohol she consumed, while supported, in part by the record of text messages she submitted, were inconsistent with the statements of Student C, Student D, and Student E. OEO found insufficient information to determine the amount of alcohol consumed by Student B.
8. At approximately 12:00 a.m., Student B left the residence hall room and walked down the hall; Student A also left the room shortly thereafter.
9. Student A and Student B went to Student B's residence hall room where kissing, oral sexual contact, and attempted vaginal intercourse occurred.
10. Based on findings five through seven above, OEO finds that Student A was much more intoxicated than Student B at the time sexual contact occurred.
11. Student B attempted to isolate Student A several times throughout the night, including: (1) when Student C and Student F knocked on her door to say goodnight but Student B would only crack the door open; (2) when Student C and Student E knocked on Student B's door while Student A was alone in her room and Student B said, "Stop, you're gonna ruin it."; and (3) when Student A left Student B's room, was hiding in Student C's room and sought out Student A in Student C's room. Further Student B also sent Student A a Facebook message at 2:53 a.m. that read, "I miss you," while he was hiding in Student C's closet and told Student C that his cougar card was in her room

even though Student A had possession of his cougar card throughout the night.

12. Student A was severely intoxicated at the time sexual contact. As a result of his intoxication, he lacked the ability to understand the nature or consequences of his actions, and was therefore incapable of consenting to sexual activity.
13. Student B knew, or should have known, of Student A's level of intoxication and his inability to understand the nature or consequences of his actions at the time of the sexual contact with Student A.
14. Student B's assertion that she was more intoxicated than Student A at the time sexual contact occurred was self-serving and inconsistent with witness accounts. OEO finds that more likely than not, Student B was not too intoxicated to understand the nature and consequences of her actions, nor too intoxicated to consent to sexual contact.
15. Student B subjected Student A to conduct on the basis of his sex and/or gender; Student B's conduct made Student A feel "uncomfortable," and "violated," and was sufficiently severe, persistent, or pervasive to create a hostile or offensive educational or living environment for Student A

Based on the totality of the investigation and the foregoing findings, OEO finds that Student B's conduct toward Student A violated EP 15. Therefore, OEO refers this matter to SSA to take action as appropriate, pursuant to the WSU Standards of Conduct for Students.

OEO's findings, conclusion, and recommendation in this matter are based on EP 15, and interpretations of EP 15. Nothing in this report is based upon, or intended to be understood as a statement or interpretation of law.

## Summary of Interviews

### Student A

Student A said that on the evening of January 25, 2014, he was drinking alcohol with friends in a residence hall room. He said he had eaten dinner at around 6:00 p.m. and began consuming alcohol at approximately 10:00 p.m. He said he consumed a large amount of Fireball cinnamon whiskey and some amount of vodka as well. He said he was "all over the place" that night. He said he had been "walking the hallways" visiting with others, many of whom were socializing and drinking alcohol as well.

Student A said that over the course of the night, he consumed Fireball straight from the bottle, and ultimately drank the entire bottle, which was a "standard fifth." He said he also drank vodka straight from the bottle but he does not remember how much. Student A said that he encountered Student B at approximately 12:00 a.m., two hours after he had begun drinking. He said that at that time, his level of intoxication on a scale from one to ten was at a ten. He said his memory of the night was blurry and that he did not remember the events leading up to his interaction with Student B. He said he remembered tripping while he was in Student B's room, and he remembered being in her room but not how he "ended up" there.

Student A said that while he was in Student B's room, she began kissing him and asked if he had a condom. He said he went back to the room where he had been drinking and asked if anyone had a condom. He said he did not recall if he had obtained a condom at that time.

Student A said that while he was in Student B's room, he "kept asking for [his] Fireball," because he "just wanted her gone." He said Student B offered him vodka, which she had in her room, instead. He said that he continued to ask for his "Fireball," and Student B eventually left the room to find it.

He said that while Student B was gone, Student C and Student D came to the door to check on him but Student B came back, pushed them out the door, and said "'we're fine.'" Student A said that when his friends were at the door, he was unclothed. He said he thought Student B had removed his shirt, but does not recall how the rest of his clothes had been removed. He said that, at approximately 12:00 a.m., Student B had not found the bottle of Fireball, so he consumed the vodka she had given him.

Student A said, "From what I remember, there was sex." He said he remembered "snap shots" of what occurred. He said he remembered being on Student B's bed, that "she gave me oral sex and I gave her oral stimulation." He said that he was on top of Student B, and he remembered that Student B had a bag of condoms. He said he could not remember if he had obtained the condoms earlier or if they used condoms that Student B had. He said that "after everything happened" Student B told him "Let's go to the shower." He said Student B took him to the shower and "performed oral sex on [him]" in the shower and he thought he had ejaculated in the shower. He said that at



that point he was "really uncomfortable," and "wanted to leave" but Student B kept saying "No, Wait," and that she needed to wash her hair.

Student A said that, after the shower, he ended up in Student C's room, but wasn't sure whether he had walked there on his own, or if Student C had found him. He said that while in Student C's room, he hid from Student B. He said Student B came to Student C's door and asked for him but he hid in the closet.

Student A said Student B told Student C that Student A needed to return to her room to retrieve his cougar card and Student C said that she would retrieve it and Student B told Student C, "No [Student A] has to come get it." He said Student C did go with Student B to retrieve his card. Student A said that his memory was clearer during the time he was hiding in the closet; he estimated that his level of intoxication at that time was approximately a seven on a scale of one to ten. He said that at some time after Student B left and while he was still hiding from her, she sent him text messages asking questions about a class they both had. He said he deleted those text messages. He also said that the Student B sent him a Facebook message at 2:53 a.m. that said "I miss you," and he provided a copy to investigators (see attached).

Student A said that Student C told him that, when they were walking to retrieve his cougar card, she told Student B, "You can get in trouble. He doesn't want to," to which Student B said, "Too late, we already had sex." Student A said he did not think Student B drank any vodka when he did, and he did not know if she had been drinking that evening.

He said he remembered that at some point during the sexual contact, Student B told him, "I've always wanted to do this." Student A said that if he had been sober he would "absolutely not" have engaged in sexual contact with Student B, in part because he had never had sexual contact before this incident. He said he felt "violated" and "uncomfortable" following the incident.

#### Student B

Student B said that on January 25, 2014, she had stayed home sick from work but she felt better later that evening. She said that at around 11:30 p.m., she went to the floor lounge of her residence hall and saw a group of residents playing a card game. She said she played the game with them for about 30 to 40 minutes and went back to her room to change because she was cold. She said that, during that time, the group of residents moved to a resident's room, and Student A had joined them.

Student B said that, at approximately 12:15 a.m., in the middle of playing beer pong, she went to her room to get a bottle of tequila. She said that the Resident Advisor came in a few times to remind them of quiet hours. She said they decided they did not want to play beer pong any more so they pulled the desks together and played "rage," another drinking game, which used 20 to 25 solo cups containing vodka and Hawaiian punch. Student B said the point of "rage" is to make other people drink.

## Summary of Interviews

### Student A

Student A said that on the evening of January 25, 2014, he was drinking alcohol with friends in a residence hall room. He said he had eaten dinner at around 6:00 p.m. and began consuming alcohol at approximately 10:00 p.m. He said he consumed a large amount of Fireball cinnamon whiskey and some amount of vodka as well. He said he was "all over the place" that night. He said he had been "walking the hallways" visiting with others, many of whom were socializing and drinking alcohol as well.

Student A said that over the course of the night, he consumed Fireball straight from the bottle, and ultimately drank the entire bottle, which was a "standard fifth." He said he also drank vodka straight from the bottle but he does not remember how much. Student A said that he encountered Student B at approximately 12:00 a.m., two hours after he had begun drinking. He said that at that time, his level of intoxication on a scale from one to ten was at a ten. He said his memory of the night was blurry and that he did not remember the events leading up to his interaction with Student B. He said he remembered tripping while he was in Student B's room, and he remembered being in her room but not how he "ended up" there.

Student A said that while he was in Student B's room, she began kissing him and asked if he had a condom. He said he went back to the room where he had been drinking and asked if anyone had a condom. He said he did not recall if he had obtained a condom at that time.

Student A said that while he was in Student B's room, he "kept asking for [his] Fireball," because he "just wanted her gone." He said Student B offered him vodka, which she had in her room, instead. He said that he continued to ask for his "Fireball," and Student B eventually left the room to find it.

He said that while Student B was gone, Student C and Student D came to the door to check on him but Student B came back, pushed them out the door, and said "'we're fine.'" Student A said that when his friends were at the door, he was unclothed. He said he thought Student B had removed his shirt, but does not recall how the rest of his clothes had been removed. He said that, at approximately 12:00 a.m., Student B had not found the bottle of Fireball, so he consumed the vodka she had given him.

Student A said, "From what I remember, there was sex." He said he remembered "snap shots" of what occurred. He said he remembered being on Student B's bed, that "she gave me oral sex and I gave her oral stimulation." He said that he was on top of Student B, and he remembered that Student B had a bag of condoms. He said he could not remember if he had obtained the condoms earlier or if they used condoms that Student B had. He said that "after everything happened" Student B told him "Let's go to the shower." He said Student B took him to the shower and "performed oral sex on [him]" in the shower and he thought he had ejaculated in the shower. He said that at

that point he was "really uncomfortable," and "wanted to leave" but Student B kept saying "No, Wait," and that she needed to wash her hair.

Student A said that, after the shower, he ended up in Student C's room, but wasn't sure whether he had walked there on his own, or if Student C had found him. He said that while in Student C's room, he hid from Student B. He said Student B came to Student C's door and asked for him but he hid in the closet.

Student A said Student B told Student C that Student A needed to return to her room to retrieve his cougar card and Student C said that she would retrieve it and Student B told Student C, "No [Student A] has to come get it." He said Student C did go with Student B to retrieve his card. Student A said that his memory was clearer during the time he was hiding in the closet; he estimated that his level of intoxication at that time was approximately a seven on a scale of one to ten. He said that at some time after Student B left and while he was still hiding from her, she sent him text messages asking questions about a class they both had. He said he deleted those text messages. He also said that the Student B sent him a Facebook message at 2:53 a.m. that said "I miss you," and he provided a copy to investigators (see attached).

Student A said that Student C told him that, when they were walking to retrieve his cougar card, she told Student B, "You can get in trouble. He doesn't want to," to which Student B said, "Too late, we already had sex." Student A said he did not think Student B drank any vodka when he did, and he did not know if she had been drinking that evening.

He said he remembered that at some point during the sexual contact, Student B told him, "I've always wanted to do this." Student A said that if he had been sober he would "absolutely not" have engaged in sexual contact with Student B, in part because he had never had sexual contact before this incident. He said he felt "violated" and "uncomfortable" following the incident.

#### Student B

Student B said that on January 25, 2014, she had stayed home sick from work but she felt better later that evening. She said that at around 11:30 p.m., she went to the floor lounge of her residence hall and saw a group of residents playing a card game. She said she played the game with them for about 30 to 40 minutes and went back to her room to change because she was cold. She said that, during that time, the group of residents moved to a resident's room, and Student A had joined them.

Student B said that, at approximately 12:15 a.m., in the middle of playing beer pong, she went to her room to get a bottle of tequila. She said that the Resident Advisor came in a few times to remind them of quiet hours. She said they decided they did not want to play beer pong any more so they pulled the desks together and played "rage," another drinking game, which used 20 to 25 solo cups containing vodka and Hawaiian punch. Student B said the point of "rage" is to make other people drink.

Student B said she thought Student A had not consumed alcohol prior to playing "rage," but that if he had, it was "maybe a shot or two of Fireball." She said the bottle of Fireball was "pretty full" at the beginning of the night. She said that, between the first and second rounds, she consumed 14 to 15 cups of the vodka and Hawaiian punch mixture. She estimated that this was the equivalent of approximately seven shots of the mixture. She said Student A consumed three or four cups during the first round. She said, "I kept losing so I drank the most."

Student B said that, in between rounds, she drank two more shots of tequila and two to three "swigs" of Fireball. She said Student A was taking "shorter shots" and she was taking "bigger drinks." She said that, during the second round, Student A's friends started giving her more cups to drink. She said she also took three shots of Jack Daniel's whiskey and left the room at around 1:30 a.m. to vomit in the restroom. She said she was gone for about five minutes and vomited four times.

Student B said that, as she returned to the room, she stumbled and was "walking against the wall." She said she saw Student A in the hallway and he asked where she was going. She said she told him she got something on her shirt and she was going to change. She said Student A began kissing her, as she leaned against her door for approximately one minute. She said she told him that if he wanted to have sex that night he should get a condom. She said he walked down the hallway "really fast" and returned with two condoms.

Student B told investigators she said she had a clear memory of the evening. Investigators asked Student B what her level of intoxication was at that point in the evening, on a scale from one to ten. She said that she was at an eight because she could not walk and she was slurring her words. She said Student A's level of intoxication was at approximately a four or five. She said he was "a little bit past tipsy." She said she tried to clear a path to her bed and she fell and twisted her knee as she was getting off her bed.

Student B said she had expected Student A to return after about five minutes. She said he knocked on her door and she let him in. She said they went to her bed and he fell as he was trying to take his clothes off. She said he pushed her on the bed and took her clothes off. She said they were kissing and he pushed her down. She said, "I was too drunk for anything." She said she put her robe on and went into the hall to look for the bottle of Fireball. She said Student A attempted vaginal intercourse but that was not working so she offered to perform oral sex on him, which she did on the bed. She said that she suggested they attempt vaginal intercourse again with another condom in the shower. She said that did not work either so she "just gave him another blow job."

Student B said that they had been in the shower, located in her residence hall room, for approximately two minutes, when someone knocked on her door and Student A told her to answer it and she did. She said it was Student F and two or three friends. Student B said she was in her robe and had a towel around her hair because she had just been in the shower. She said they asked if Student A was in her room, and she told



them that he was and that they were busy. She said Student A walked out to greet them while he was still naked. She said he said, "Hey guys what's going on?" and they said, "Don't worry, we didn't see anything."

She said that after Student F and her friends left, she and Student A got back in the shower. She said that is when they attempted vaginal intercourse again for a few minutes. She said Student A took off the condom and she performed oral sex again for approximately 20 minutes.

Student B said she and Student A got out of the shower and grabbed towels. She said they both drank Fireball whiskey and vodka for approximately ten minutes. She said they lay on the bed and were talking and making out, and then Student A wanted to find his friends, and left.

Student B said that after Student A had left, she went to activate her cougar card at a kiosk on a lower level of the residence hall, but she could not read the screen due to the level of her intoxication. Student B said she went upstairs, saw Student C, and asked her where Student A went. She said Student C said, "[Student A] went to bed. [Student B] it's time to go to bed. It's 3:00 a.m." She said she pulled out her phone and said, "No. it's 2:50 a.m." then went back to her room and lay down. She said that about 20 to 30 minutes later another student knocked on her door and said, "[Student A] is worried about his Fireball." She said she was "too tired" and did not ask "why," but gave it to the other student and went to bed.

Student B said that the next morning, at around 8:00 a.m., she went to the lounge to get ice for her knee and she saw that the bottle of Fireball was sitting in the lounge with less whiskey in it than she remembered. She said that, mid-afternoon on Sunday, she went to the lounge and saw Student A, Student C, and the resident who lived in the room where they had all been drinking. She said they were discussing how the night had gone. She said she saw Student A on that Sunday, Monday, and Tuesday and "everything seemed fine." She said that she saw someone had written, "Pray for [Student A]. [Student A] was taken advantage of," on a whiteboard and she erased it. She said that Student C had seen the same statement written on another whiteboard and she said, "That's rude" and also erased it.

Student B said she thinks she had been "a lot" more intoxicated than Student A on the night of the alleged incident. She said she has never thrown up before that night. She said, "I drank that night. I'm being punished." Investigators understood these statements by Student B as her raising a complaint against Student A. (These allegations are addressed in the analysis and findings section of this memo).

### Student C

Student C said that on the night of the alleged incident, she had been hanging out with eight or nine people, including Student A. She said that starting at around 9:00 p.m., she and the others were drinking, playing games, and hanging out. She said that she

had not been drinking very much but Student A was "very drunk." She said she has consumed alcohol with him previously and he was "way beyond normal" that night.

Student C said she saw Student A drink "almost a whole fifth of Fireball." She said they played the drinking games "beer pong" and "rage cage." She said that Student B entered the room while they were playing beer pong. She said Student B had approached Student A and was touching his arms. She said Student B was not drinking during the beer pong game.

Investigators asked Student C to estimate both Student A's and Student B's level of intoxication on a scale from one to ten. Student C said that, at that point, Student A was at a seven or eight and Student B was at a zero. She said Student A was slurring his speech, laughing, could not form sentences, was loud, had "heavy eyes," and was swaying when trying to stand still. She said she did not know if Student B had consumed alcohol earlier in the evening but based on how she was acting she "didn't seem" to be intoxicated.

Student C said that, at around 10:00 p.m., they switched to playing rage cage. She said she believes Student B was drinking at that point. She said that Student A and Student B were not interacting with each other during the game. She said that after the game Student B started standing next to Student A. She said that, at that time, Student A's level of intoxication was at a nine and Student B's level of intoxication was at a two or three.

Student C said she saw Student A and Student B at the end of the hall talking. She said Student A came back to the room and asked, "'Does anyone have a condom?'" She said everyone in the room said, "'[Student A] you don't want to do this.'" She said Student A laughed and then left. She said that she and a few other students knocked on Student B's door and said, "We just wanted to say goodnight" and Student B opened the door a crack and said, "'K. Night.'" She said she asked, "Can we say goodnight to [Student A]?" and Student B said, "'[Student A] your friends say goodnight,'" then closed the door. She said she knocked on the door again and said, "We'd really like to see [Student A]" and she could see him behind Student B. She said he was "fully naked" and that is how she knew he was past the point of being able to understand what was happening. She said, "He would never let me see him like that."

Student C said three or four minutes later Student B came out looking for the Fireball and went to the end of the hallway. She said she knocked on Student B's door "to get [Student A]" and Student B heard her and ran back. She said Student B went back in the room.

Student C said she knew Student A and Student B were having sex because she could hear them in the shower. She said she heard Student B say, "'You like that?'" She said it was "too awkward."

Student C said that, about 15 minutes later, Student A came to her room and said that he and Student B had sex and he had told Student B that he needed to check on his friends. She said she did not remember exactly what Student A said but she understood from his body language that he was upset. She said that she understood from what he was saying that "he couldn't believe he'd just did it." She said he told her something to the effect of, "I realized what I was doing so I said I needed to go see my friends."

Student C said Student B knocked on her door and Student A hid in her closet. She said Student B asked, "Is [Student A] in here?" and she said, "No. He's not." She said Student B said, "I heard his voice," and she replied, "Not him." She said Student B asked to see Student A and she said, "Not here" then closed the door. She said that, at that time, Student A's level of intoxication was at a nine and Student B's level of intoxication was at a two.

Student C said Student B knocked again and said, "Tell [Student A] that he left his cougar card," and she told Student B, "I'll come get it," and followed Student B to Student B's room. She said that, as they walked down the hall, she told Student B, "You need to leave him alone; this could be considered rape; you need to stop." She said Student B had "no reaction" and said, "No. I just want to hang out with [Student A]." She said Student B then told her "It's not in here." She said she found out later that Student A had his cougar card the whole time.

Student C said, "He was so unaware of what was happening and she was so persistent about getting him back to her room." She said, "She knew how drunk he was; everyone did; you could just see it on him."

#### Student D

Student D said he arrived at the residence hall "really late" and his roommate brought him to Student B's room. He said there were seven people in the hall outside her door including Student C. He said he was trying to listen to what was going on inside the room. He said he left and went to the lounge for approximately one hour, then to Student C's room with Student C's boyfriend. He said that Student A was in Student C's room and was talking about what had happened.

Student D said Student A said, generally, that he had had sex with Student B. He said Student A said something to the effect of "I should not have done that." Student D said that it was his understanding that Student A had regretted it.

Investigators asked Student D to estimate Student A's level of intoxication on a scale from one to ten when he encountered Student A in Student C's room. He said that, at that time, Student A was at a six or seven and was "fairly fine." He said Student A was not stumbling or slurring his words but he knew Student A had been drinking. He said Student A acts a "certain way" when drinking. He said Student A is more outgoing and expressive.

Student D said that he was later in the lounge when Student A walked in and asked him if he knew what happened. He said he responded that he did know and "joked about it for a sec." Investigators asked him to clarify what he meant by "joked" and he said he had said, "Damn [Student A]" and Student A had responded, "Yeah." He said it was "like, oh man, I screwed up." He said that he had understood that Student A "didn't like her at all."

Student D said that after Student A left the lounge, Student B came in. He said he did not recall what she said but said, "I think I said a few words to her." He said she came in with her bathrobe on and sat down. He said, "She was not intoxicated." He said she was moving around "fairly well" and "she seemed like I usually see her." He said that he knew she had been drinking "a little bit" based on what others had told him.

Student D said that, later, Student C told him more about what had happened. Student D reiterated to investigators what Student C had told him, which was consistent with what Student C told investigators.

#### Student E

Student E said that, on the night of the alleged incident, he was "like the only one on the floor who was sober." He said that he had been with the group of friends, including Student A, who were playing drinking games at around 9-9:30 p.m. He said Student A drank a fifth of Fireball and he had commented that Student A had been drinking "a lot." He said he left the group shortly after Student B arrived, which was at approximately 10:30 -11:30 p.m.

Student E said he did not see Student A or Student B again until around 12:00 a.m. when he saw several residents standing outside Student B's door listening to something. He said one resident said, "Oh my god. [Student B] and [Student A] are about to do it." He said someone knocked on the door "trying to get it to stop." He said they all knew Student A would not have wanted to engage in sexual activity with Student B because he did not like her and he knew Student A was "really drunk."

Student E said Student B came out of the room and walked down the hall. He said he told Student A, "You don't want to do this; come out." He said Student A said something to the effect of "No, it's too late." He said that, at that point, Student B came running down the hallway and said, "Stop, you're gonna ruin it." He said that Student C and another resident pushed their way into the room and saw Student A naked. He said they came back out and the door closed.

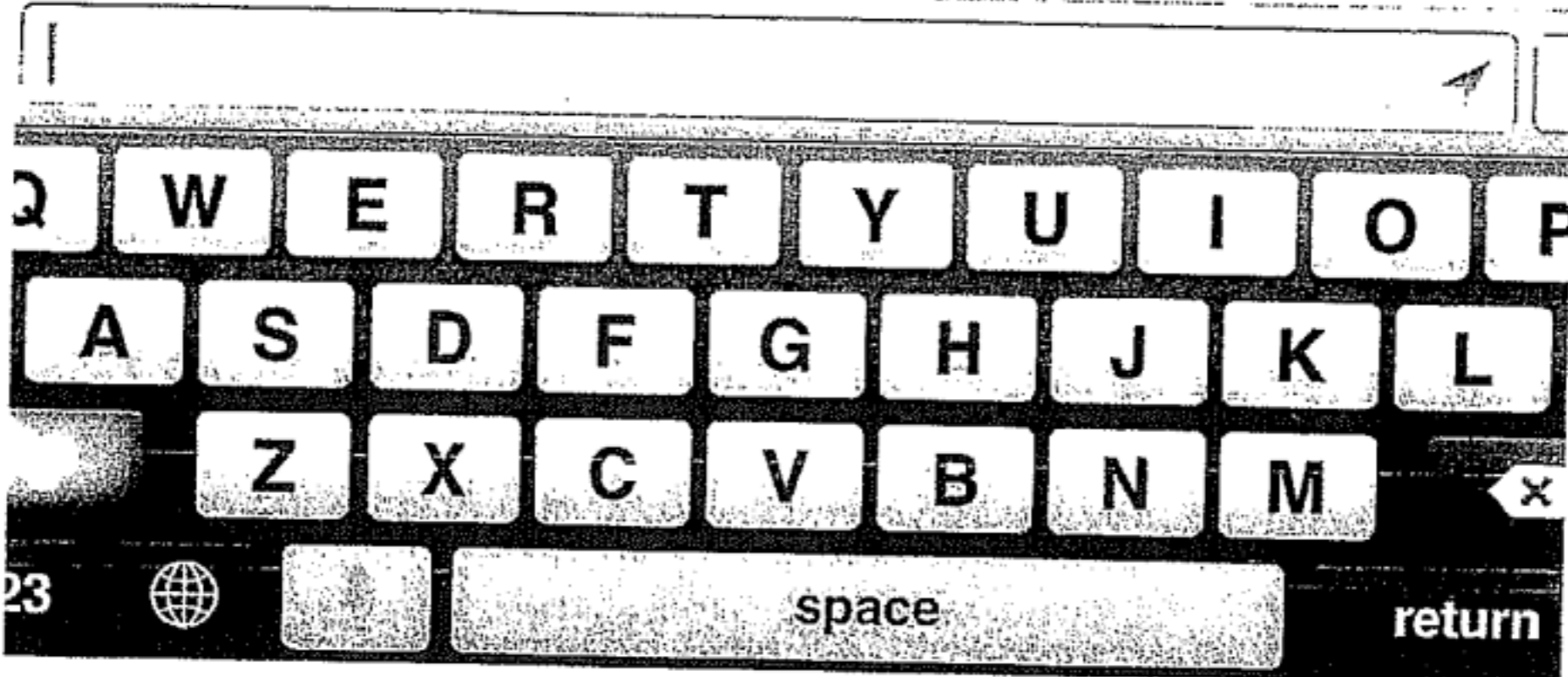
Student E said Student A was "heavily slurring his speech" and was "stumbling and swaying." Student E said Student B "did not seem intoxicated." He said she was "walking like a normal person."



active 34m ago

I miss you

Sent from mobile



You feeling okay?

Jan 25, 2014, 7:48 AM

No lol

I sucked a dick last night

In my shower

Sounds like a good time.

Jan 26, 2014, 8:22 AM

Yeah. Sorry about my comments earlier. I was literally still asleep and texting.

Lol I was drunk

Okay then we're both on the same page lol

Yeah haha

It's 6AM thanks for waking me up lol

I'm in someone else's house. Can't talk.

That's rude

Bug u wanna talk to YOH

Sorry.

Rude

I'm tired still. And passing out again

That rude I listen to YOH when you're upset

I was sleepy f with his they and he's in anothe girls

Jan 23, 2014, 9:06 PM

Aye

Jan 26, 2014, 1:10 AM

Idk if you're up or not. But what weird and messed up beautiful night.

What happened

I'm drunk lol

Jan 26, 2014, 1:35 AM

I just threw up and it was amazing

Jan 26, 2014, 3:02 AM

Kevin

It's 6AM thanks for waking me up lol

I was sleepy f with his they and he's in anothe girls room Jo

I slept with a guy and he went to another girls room

Oh. Lovely.

I have my first blowjob

Lol oh.

We washes each others hair in my shower

Cool.

Yes

We played rage

Yes

We played rage

All of the guys kept passing me te cup

The

They wanted me drunk

And [redacted] interrupted my shower sex

He wanted to check on his friends that means he's good right

Yeah. Sure.

I love you

Even if you're just a friend you care about me

I think so at least

We had bit my bathroom so we

Huh?

He got my bathroom so wet

Oh

Yeah

Jan 26, 2014, 3:15 AM

I threw up earlier

Jan 26, 2014, 6:02 AM

You feeling okay?

Jan 26, 2014, 7:48 AM

**INVESTIGATOR:**  
 Kimberly D. Anderson  
 Daniel B. Records  
 Stephanie M. DeVore

**WASHINGTON STATE UNIVERSITY  
OFFICE FOR EQUAL OPPORTUNITY**

Date: 1/29/14  
Case Number: [REDACTED]  
Case Status:  
 Open  
 Pending  
 Closed

**CONSULTANT/COMPLAINANT INFORMATION:**

Name: Adam Jusse! Work Phone No. [REDACTED]  
Mailing Address: \_\_\_\_\_ Preferred Phone No. \_\_\_\_\_  
Status/Department: OSSA/Director Email: adam.jussel@wsu.edu

**CONTACT WITH CONSULTANT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMPLAINANT INFORMATION:**

Name: [REDACTED] Work Phone No. \_\_\_\_\_  
Mailing Address: [REDACTED] Preferred Phone No. [REDACTED]  
Status/Department: [REDACTED] Email: [REDACTED]

**CONTACT WITH COMPLAINANT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESPONDENT INFORMATION:**

Name: [REDACTED] Work Phone No. \_\_\_\_\_  
Mailing Address: [REDACTED] Preferred Phone No. [REDACTED]  
Status/Department: Student Email: [REDACTED]

**CONTACT WITH RESPONDENT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ASSOCIATED COMPLAINANTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ASSOCIATED RESPONDENTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES/CONTACT INFO:**

[REDACTED]

**ALLEGED CONDUCT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_ **CASE CLOSED:** \_\_\_\_\_

000166



**Anderson, Kimberly**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 15, 2014 3:28 PM  
**To:** Anderson, Kimberly  
**Subject:** RE: [REDACTED]

Sounds good. Thanks for the information.

Very truly yours,

[REDACTED]

[REDACTED]

**CONFIDENTIALITY NOTICE:** This electronic transmission and any attachment hereto are the private confidential property of the sender, and the materials are privileged communications intended solely for the receipt, use, benefit, and information of the intended recipient indicated above. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, distribution, or the taking of any other action in reliance on the contents of this electronic transmission is strictly prohibited, and may result in legal liability on your part. If you have received this e-mail in error, please notify the sender immediately by replying to this email, by telephone at 509-339-7102 or by fax at 509-339-7087.

**From:** Anderson, Kimberly [mailto:[anderson34@wsu.edu](mailto:anderson34@wsu.edu)]  
**Sent:** Tuesday, July 15, 2014 3:11 PM  
**To:** [REDACTED]  
**Subject:** RE: [REDACTED]

Thank you for your email [REDACTED].

I will contact the student today regarding our investigation and memorandum.

Regards.

Kimberly D. Anderson, Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483

**From:** [REDACTED]  
**Sent:** Tuesday, July 15, 2014 2:38 PM  
**To:** Anderson, Kimberly  
**Subject:** [REDACTED]

Dear Ms. Anderson,

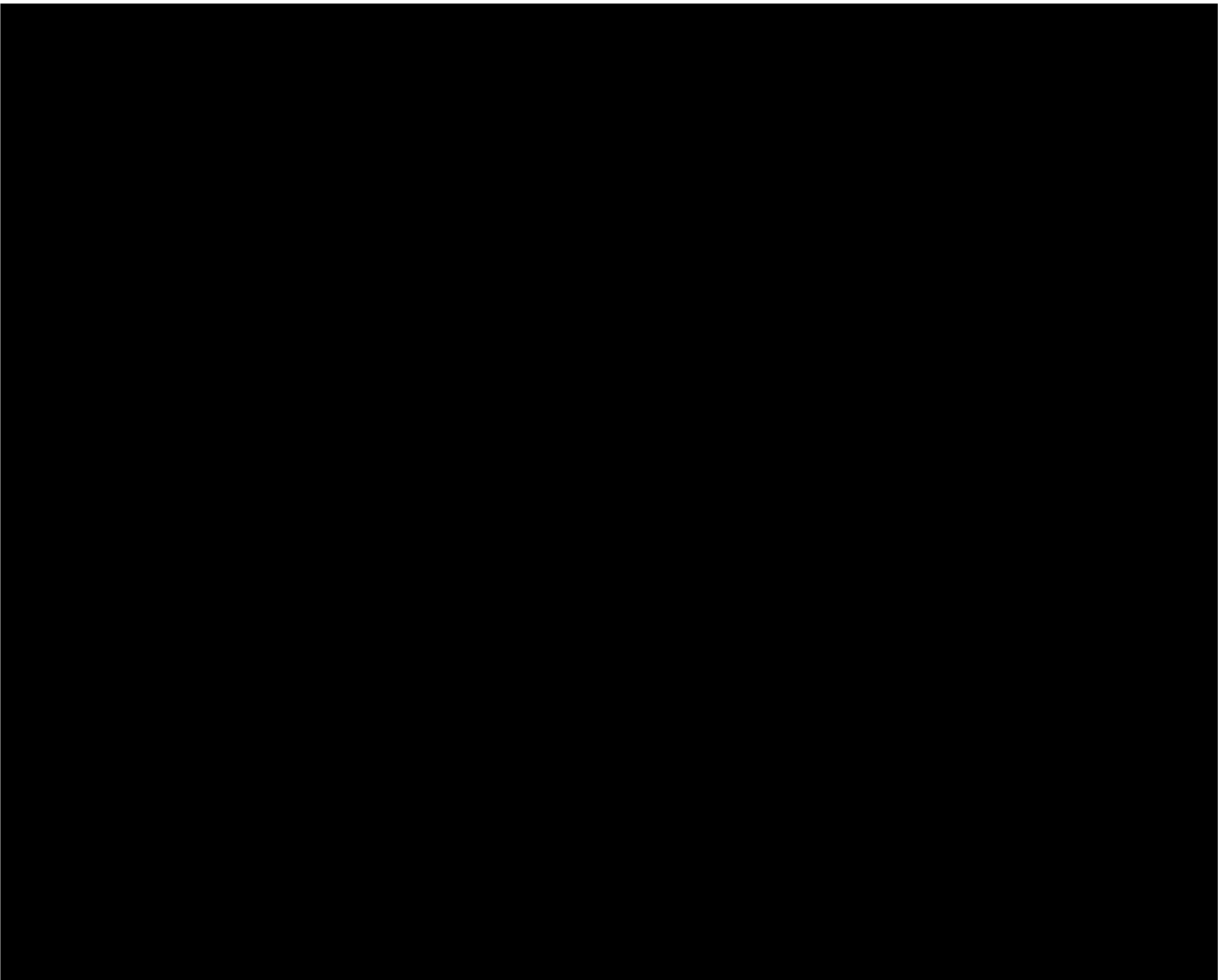
I'm writing on behalf of [REDACTED] who is currently the subject of an OEO investigation. She hasn't yet received OEO's memorandum following investigation and she is concerned about starting the next semester without knowing what is in the memorandum. Are you able to give me an estimate as to when you expect to send out the memorandum?

Thanks for any information you can provide.

Very truly yours,

[REDACTED]

**CONFIDENTIALITY NOTICE:** This electronic transmission and any attachment hereto are the private confidential property of the sender, and the materials are privileged communications intended solely for the receipt, use, benefit, and information of the intended recipient indicated above. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, distribution, or the taking of any other action in reliance on the contents of this electronic transmission is strictly prohibited, and may result in legal liability on your part. If you have received this e-mail in error, please notify the sender immediately by replying to this email, by telephone at 509-339-7102 or by fax at 509-339-7087.



**Jussel, Adam B**

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**From:** Anderson, Kimberly  
**Sent:** Friday, May 02, 2014 2:12 PM  
**To:** Jussel, Adam B  
**Subject:** FW: WSU Office for Equal Opportunity 2014-018

**From:** [REDACTED]  
**Sent:** Friday, May 02, 2014 11:14 AM  
**To:** Anderson, Kimberly  
**Subject:** RE: WSU Office for Equal Opportunity 2014-018

Kimberly, I wanted to let you know that I am fine to receive the memo whenever it is ready. My finals next week are retakes of previous exams and I don't see the memo, either direction it goes, being a distraction from my studies. I do appreciate that you try to work around our schedules for finals.

Thank you,  
[REDACTED]

Sent using OWA for iPhone

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**From:** Anderson, Kimberly <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Sent:** Tuesday, February 11, 2014 9:18:39 AM  
**To:** [REDACTED]  
**Cc:** Jussel, Adam B  
**Subject:** WSU Office for Equal Opportunity 2014-018

Hello Ms. [REDACTED],

I understand from Mr. Adam Jussel, Director of the Office of Student Standards and Accountability (copied), that you are considering filing a counter complaint regarding the interaction discussed in my letter to you dated January 31, 2014. I'd like to schedule a time for you to speak with me and Mr. Jussel as soon as possible. At that time, we can discuss your counter complaint and response to the underlying allegations. You are welcome to bring an advisor with you to this meeting.

Are you available to meet at 8:00 a.m., 3:00 p.m., or 4:00 p.m. on Thursday, February 13, 2014? If none of these times will work, please give me a call and we can find another time that will. I have included in the attachments the WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (Executive Policy 15), and a list of resources that may be available to you. Please don't hesitate to contact me if you have any questions.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity



Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)



*OEO Draft for Legal Review [7-16-14]*

## Summary of Interviews

### Student A

Student A said that on the evening of January 25, 2014, he was drinking alcohol with friends in a residence hall room. He said he had dinner at around 6:00 p.m. and began consuming alcohol at approximately 10:00 p.m. He said he consumed a large amount of Fireball cinnamon whiskey and some amount of vodka as well. He said he was "all over the place" that night. He said he had been "walking the hallways" visiting with others, many of whom were socializing and drinking alcohol as well.

Student A said that over the course of the night, he was consuming Fireball whiskey straight from the bottle, and ultimately drank the entire bottle, which was a "standard fifth." He said he also drank vodka straight from the bottle, but he does not remember how much. Student A said that he encountered Student B at approximately 12:00 a.m., two hours after he had begun drinking. He said that at that time, his level of intoxication on a scale from one to ten was at a ten. He said his memory of the night was blurry and that he did not remember the events leading up to his interaction with Student B. He said he remembered tripping while he was in Student B's room, and he remembered being in her room but not how he "ended up" there.

Student A said that while he was in Student B's room, she began kissing him and asked if he had a condom. He said he went back to the room where he had been drinking and asked if anyone had a condom. He said he did not recall if he had obtained a condom at that time.

Student A said that while he was in Student B's room, he "kept asking for [his] fireball," because he "just wanted her gone." He said Student B offered him vodka, which she had in her room, instead. He said that he continued to ask for his "Fireball," and Student B eventually left the room to find it.

He said that while Student B was gone, Student C and Student D came to the door to check on him, but Student B came back and pushed them out the door, and said "we're fine." Student A said that when his friends were at the door, he was unclothed. He said he thought Student B had removed his shirt, but does not recall how the rest of his clothes were removed. Student A said, "People kept checking on me." He said that, at approximately 12:00 a.m., Student B had not found the bottle of Fireball, so he consumed the vodka she had given him.

Student A said, "From what I remember, there was sex." He said he remembered "snap shots" of what occurred. He said he remembered being on Student B's bed and performing oral sex on her. He said that Student B was on top of him, and he remembered that Student B had a bag of condoms. He said he could not remember if he had obtained the condoms earlier or if they used condoms that the Respondent had.

He said that "after everything happened," Student B told him "let's go to the shower." He said Student B performed oral sex on him in the shower, and he thought he had ejaculated in the shower. He said that at that point, he was "really uncomfortable," and "wanted to leave," but Student B kept saying "'No, Wait,'" and that she needed to wash her hair.

Student A said that, after the shower, he ended up in Student C's room, but wasn't sure whether he had walked there on his own, or if they had found him. He said that while in Student C's room, he hid from Student B. He said Student B came to Student C's door and asked for him, but he hid in the closet. He said Student B told Student C that Student A needed to come to her room to get his cougar card, and Student C said that she would get it. He said Student B told Student C, "'No, [Student A] has to come get it.'" He said Student C went with Student B to retrieve his card. Student A said that his memory was more clear during the time he was hiding in the closet; he estimated that his level of intoxication at that time, was approximately a seven on a scale of one to ten. He said that at some time after Student B left and while he was still hiding from her, she sent him Facebook messages which he did not respond to.

Student A said that Student C told him that when she was with Student B, she told her, "'You can get in trouble. He doesn't want to,'" to which Student B said, "'Too late, we already had sex.'" *wasn't*

Student A said he does not think Student B drank any vodka when he did, and he did not know if she had been drinking that evening. He said he remembered that at some point, Student B told him, "I've always wanted to do this."

Student A said that if he had been sober he would "absolutely not" have engaged in sexual contact with Student B, in part because he had never had sexual contact before this incident. He said he felt "violated" and "uncomfortable" following the incident.

### Student B

Student B said that on January 25, 2014, she had stayed home sick from work, but she felt better later that evening. She said that at around 11:30 p.m., she went to the lounge and saw a group of residents playing a card game. She said she played the game with them for about 30 to 40 minutes and went back to her room to change because she was cold. She said that, during that time, the group of residents moved to a resident's room, and Student A had joined them.

Student B said that, at approximately 12:15 a.m., in the middle of playing beer pong, she went to her room to get a bottle of tequila. She said that the Resident Advisor came in a few times to remind them of quiet hours. She said they decided they did not want to play beer pong any more, so they pulled the desks together and played "rage," which consisted of 20 to 25 solo cups containing vodka and Hawaiian punch.

Student B said she thought Student A had not consumed alcohol prior to playing "rage," but that if he had it was "'maybe a shot or two of Fireball.'" She said the bottle

of Fireball was "pretty full" at the beginning of the night. Student B said the point of "rage" is to make other people drink. She said that, between the first and second rounds, she consumed 14 to 15 cups, which she estimated to be approximately seven shots total. She said Student A consumed three or four cups during the first round. She said, "I kept losing so I drank the most."

Student B said that, in between rounds, she had two more shots of tequila and two to three "swigs" of Fireball. She said Student A was taking "shorter shots" and she was taking "bigger drinks." She said that, during the second round, Student A's friends started giving her more cups to drink. She said she also began taking shots of Jack Daniel's whiskey and left the room at around 1:30 a.m. to vomit in the restroom. She said she was gone for about five minutes and vomited four times.

Student B said that, as she returned to the room, she stumbled and was "walking against the wall." She said she saw Student A in the hallway and he asked where she was going. She said she told him she got something on her shirt and she was going to change. She said Student A began kissing her, as she leaned against her door for approximately one minute. She said she told him that if he wanted to have sex that night, he should get a condom. She said he walked down the hallway "really fast" and returned with two condoms.

Investigators asked Student B what hers and Student A's levels of intoxication were at that point in the evening, on a scale from one to ten. She said Student A was at approximately a four or five. She said he was "a little bit past tipsy." She said that she was at an eight because she could not walk, and she was slurring her words. She said she tried to clear a path to her bed, and she fell and twisted her knee as she was getting off her bed. She said she had a clear memory of the evening.

Student B said she had expected Student A to come right back, and he was gone for about five minutes. She said he knocked, and she let him in. She said they went to her bed, and he fell as he was trying to take his clothes off. She said he pushed her on the bed and took her clothes off. She said they were kissing, and he pushed her down. She said, "I was too drunk for anything." She said she put her robe on and went into the hall to look for the Fireball whiskey. She said Student A attempted vaginal intercourse but that was not working so she offered to perform oral sex, which she did on the bed. She said that she suggested they attempt vaginal intercourse again with another condom in the shower. She said that did not work either, so she "just gave him another blow job."

Student B said that, while they went to the shower, which was located within Student B's residence hall room, someone knocked on her door, and Student A told her to answer it. She said it was Student (XX) and two or three friends. Student B said she was in her robe and had a towel around her hair because she had just been in the shower. She said they asked if Student A was in her room, and Student A walked out to greet them while he was still naked. She said he said, "Hey guys what's going on?" and they said, "Don't worry, we didn't see anything."



Student B said she had been in the shower for approximately two minutes when she heard a knock at her door. She said that after they left, she and Student A got back in the shower. She said that is when they attempted vaginal intercourse again for a few minutes. She said Student A took off the condom, and she performed oral sex again for approximately 20 minutes.

Student B said she and Student A got out of the shower and grabbed towels. She said they both drank Fireball whiskey and vodka for approximately ten minutes. She said they lay on the bed and were talking and making out, and then Student A wanted to find his friends and left.

Student B said that after Student A had left, she went to activate her cougar card at a kiosk, but she could not read the screen due to the level of her intoxication. Student B said she went upstairs, saw Student C, and asked her where Student A went. She said Student C said, "[Student A] went to bed. [Student B] it's time to go to bed. It's 3:00 a.m." She said she pulled out her phone and said, "No. it's 2:50 a.m." then went back to her room and lay down. She said that about 20-30 minutes later another student knocked on her door and said, "[Student A] is worried about his Fireball." She said she was "too tired" and did not ask why but gave it to the Student C and went to bed.

Student B said that the next morning, at around 8:00 a.m. she went to the lounge to get ice for her knee, and she saw that the bottle of Fireball had less whiskey in it than she remembered. She said she said that, mid-afternoon on Sunday, she went to the lounge and saw Student A, [Student C?], and the resident who lived in the room where they had all been drinking. She said they were discussing how the night had gone. She said she saw Student A on that Sunday, Monday, and Tuesday and "everything seemed fine." She said that she saw someone had written, "Pray for Jay. Jay was taken advantage of," on a whiteboard, and she erased it. She said that Student C had seen the same statement written on another whiteboard, and she said, "That's rude" and also erased it.

Student B said she thinks she was "a lot" more intoxicated than Student A. She said she has never thrown up before that night. She said, "I drank that night. I'm being punished." Investigators understood these statements by Student B as her raising a complaint against Student A. (These allegations are addressed in the analysis and findings section of this memo).

Student C [REDACTED]

Student C said that on the night of the alleged incident she had been hanging out with eight or nine people, including Student A. She said she and the others were drinking, playing games, hanging out, and talking starting at around 9:00 p.m. She said that she had not been drinking very much, but Student A was "very drunk." She said she has consumed alcohol with him previously, and he was "way beyond normal" that night.

Student C said she saw Student A drink "almost a whole fifth of Fireball." She said they played the drinking games "beer pong" and "rage cage." She said that Student B came into the room while they were playing beer pong. She said Student B went over to Student A and was touching his arms. She said she had met Student B before and that Student B was not drinking during the beer pong game.

Investigators asked Student C to estimate both Student A's and Student B's level of intoxication on a scale from one to ten. Student C said that, at that point, Student A was at a seven or eight, and Student B was at a zero. She said Student A was slurring his speech, laughing, could not form sentences, was loud, had "heavy eyes," and was swaying when trying to stand still. She said she did not know if Student B had consumed alcohol earlier in the evening but based on how she was acting she "didn't seem" to be intoxicated.

Student C said that, at around 10:00 p.m., they switched to playing rage cage. She said she believes Student B was drinking at that point. She said that Student A and Student B were not interacting with each other during the game. She said that after the game, Student B started standing next to Student A. She said that, at that time, Student A's level of intoxication was at a nine, and Student B's level of intoxication was at a two or three.

Student C said she saw Student A and Student B at the end of the hall talking. She said Student A came back to the room and asked, "Does anyone have a condom?" She said everyone in the room said, "[Student A] you don't want to do this." She said Student A laughed and then left. She said that she and a few other students knocked on Student B's door and said, "We just wanted to say goodnight," and Student B opened the door a crack and said, "K. Night." She said she asked, "Can we say goodnight to [Student A]?" and Student B said, "[Student A] your friends say goodnight," then closed the door. She said she knocked on the door again and said, "We'd really like to see [Student A]," and she could see him behind Student B. She said he was "fully naked" and that is how she knew he was past the point of being able to understand what was happening. She said, "He would never let me see him like that."

Student C said three or four minutes later, Student B came out looking for the Fireball and went to the end of the hallway. She said she knocked on Student B's door "to get [Student A]," and Student B heard her and ran back. She said Student B went back in the room.

Student C said she knew Student A and Student B were having sex because she could hear them in the shower. She said she heard Student B say, "You like that?" She said ~~it was "too awkward."~~

Student C said that, about 15 minutes later, Student A came to her room and said that he and Student B had sex and he had told Student B that he needed to check on his friends. She said she did not remember exactly what Student A said, but she understood from his body language that he was upset. She said that she understood from what he

was saying that "he couldn't believe he'd just did it." She said he told her something to the effect of, "I realized what I was doing, so I said I needed to go see my friends."

Student C said Student B knocked on her door, and Student A hid in her closet. She said Student B asked, "Is [Student A] in here?" and she said, "No. He's not." She said Student B said, "I heard his voice," and she replied, "Not him." She said Student B asked to see Student A, and she said, "Not here" then closed the door. She said that, at that time, Student A's level of intoxication was at a nine, and Student B's level of intoxication was at a two.

Student C said Student B knocked again and said, "Tell [Student A] that he left his cougar card," and she told Student B, "I'll come get it," and followed Student B to her room. She said that, as they walked down the hall, she told Student B, "You need to leave him alone; this could be considered rape; you need to stop." She said Student B had "no reaction" and said, "No. I just want to hang out with [Student A]." She said Student B then told her "It's not in here." She said she found out later that Student A had his cougar card the whole time.

Student C said, "He was so unaware of what was happening and she was so persistent about getting him back to her room." She said, "She knew how drunk he was; everyone did; you could just see it on him."

Student D [REDACTED]

Student D said he arrived at the residence hall "really late," and his roommate brought him to Student B's room. He said there were seven people in the hall outside her door including Student C. He said he was trying to listen to what was going on inside the room. He said he left and went to the lounge for approximately one hour, then to Student C's room with Student C's boyfriend. He said that Student A was in Student C's room and was talking about what had happened.

*Student B's*

Student D said Student A said, generally, that he had sex with Student B. He said Student A said something to the effect of "I should not have done that." Student D said that it was his understanding that Student A had regretted it.

Investigators asked Student D to estimate Student A's level of intoxication on a scale from one to ten when he encountered Student A in Student C's room. He said that, at that time, Student A was at a six or seven and was "fairly fine." He said Student A was not stumbling or slurring his words, but he knew he had been drinking. He said Student A acts a "certain way" when drinking. He said Student A is more outgoing and expressive.

Student D said that he was later in the lounge when Student A walked in and asked him if he knew what happened. He said he responded that he did know and "joked about it for a sec." Investigators asked him to clarify what he meant by "joked" and he said he had said, "Damn [Student A]," and Student A had responded, "Yeah." He said it was

"like, oh man, I screwed up." He said that he had understood that Student A "didn't like her at all."

*to id investigators*  
Student D said that after Student A left the lounge, Student B came in. He said he did not recall what she said but said, "I think I said a few words to her." He said she came in with her bathrobe on and sat down. He said, "She was not intoxicated." He said she was moving around "fairly well" and "she seemed like I usually see her." He said that he knew she had been drinking "a little bit" based on what others had told him.

*to id*  
Student D said that, later, Student C told him more about what had happened. Student D reiterated to investigators what Student C had told him, which was consistent with what Student C told investigators.

Student E [REDACTED]

Student E said that, on the night of the alleged incident, he was "like the only one on the floor who was sober." He said that he had been with the group of friends, including Student A, who were playing drinking games at around 9-9:30 p.m. He said Student A drank a fifth of Fireball and he had commented that Student A had been drinking "a lot." He said he left shortly after Student B arrived, which was at approximately 10:30 - 11:30 p.m.

Student E said he did not see Student A or Student B again until around 12:00 a.m. when he saw several residents standing outside Student B's door listening to something. He said one resident said, "'Oh my god. [Student B] and [Student A] are about to do it.'" He said someone knocked on the door "trying to get it to stop." He said they all knew Student A would not have wanted to engage in sexual activity with Student B because he did not like her, and he knew Student A was "really drunk."

*Student A*  
Student E said Student B came out of the room and walked down the hall. He said he told Student A, "You don't want to do this; come out." He said Student A said something to the effect of "'No, it's too late.'" He said that, at that point, Student B came running down the hallway and said, "'Stop, you're gonna ruin it.'" He said that Student C and another resident pushed their way into the room and saw Student A naked. He said they came back out and the door closed.

Student E said Student A was "heavily slurring his speech" and was "stumbling and swaying." Student E said Student B "did not seem intoxicated." He said she was "walking like a normal person."

**Campbell, Holly Marie**

---

**From:** Anderson, Kimberly  
**Sent:** Wednesday, April 23, 2014 6:49 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Fwd: Texts part 1  
**Attachments:** photo 1.PNG; photo 2.PNG; photo 3.PNG; photo 4.PNG; photo 5.PNG

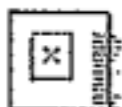
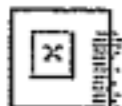
Kimberly D. Anderson, Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** [REDACTED]  
**Date:** April 23, 2014 at 2:21:35 AM PDT  
**To:** Kimberly Anderson <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Subject:** Texts part 1

Kimberly, here are some texts I sent from the night in question, January 26th. I cannot get the last photo in the same email, so I will send a second one shortly with the last text.

[REDACTED]







Sent from my iPad lol

You feeling okay?

Jan 28, 2014, 7:48 AM

No lol

I sucked a dick last night

In my shower

Sounds like a good time.

Jan 28, 2014, 3:22 AM

Yeah. Sorry about my comments earlier. I was literally still asleep and texting.

Lol I was drunk

Okay then we're both on the same page lol

Yeah haha

It's 6AM thanks for waking me up lol

I'm in someone else's house. Can't talk.

That's rude

Bug u wanna talk to YOH

Sorry.

Rude

I'm tired still. And passing out again

That rude I listen to YOH when you're upset

I was sleepy f with his they and he's in anothe girls

Jan 28, 2014, 9:20 PM

Aye

Jan 28, 2014, 1:10 AM

Idk if you're up or not. But what weird and messed up beautiful night.

What happened

I'm drunk lol

Jan 28, 2014, 1:33 AM

I just threw up and it was amazing

Jan 28, 2014, 6:02 AM

It's 6AM thanks for waking me up lol

I was sleepy f with his they and he's in anothe girls room Jo

I slept with a guy and he went to another girls room

Oh. Lovely.

I have my first blowjob

Lol oh.

We washes each others hair in my shower.

Cool.

Yes

We played rage

Kevin

Yes

We played rage

All of the guys kept passing me te cup

The

They wanted me drunk

And [redacted] interrupted my shower sex

He wanted to check on his friends that means he's good right

Yeah. Sure.

I love you

Even if you're just a friend, you care about me

I think so at least

We had bit my bathroom so wet

Huh?

He got my bathroom so wet

Oh

Yeah

Jan 26, 2014, 3:14 AM

I threw up earlier

Jan 26, 2014, 6:02 AM

You feeling okay?

Jan 26, 2014, 7:48 AM

**Campbell, Holly Marie**

---

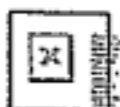
**From:** Anderson, Kimberly  
**Sent:** Wednesday, April 23, 2014 6:49 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Fwd: Texts part 2  
**Attachments:** photo.PNG

Kimberly D. Anderson, Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** [REDACTED]  
**Date:** April 23, 2014 at 2:22:01 AM PDT  
**To:** Kimberly Anderson <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Subject:** Texts part 2

[REDACTED]



Sent from my iPad lol

You feeling okay?

Jan 26, 2014, 7:48 AM

No lol

I sucked a dick last night

In my shower

Sounds like a good time.

Jan 26, 2014, 8:22 AM

Yeah. Sorry about my comments earlier. I was literally still asleep and texting.

Lol I was drunk

Okay then we're both on the same page lol

Yeah haha

Delivered



[Redacted Message]

Send





000147

[REDACTED]

OEO 4/2/14

KDA/ABS

[REDACTED] + [REDACTED]

- I was like the only one on the floor who uses sober

[REDACTED]

by [REDACTED] door  
- listening to [REDACTED]

On my god [REDACTED] & [REDACTED] are almost to do it!

- Kneeling on the door - trying to get it to stop

- all knew that [REDACTED] wouldn't want to do it  
- didn't like her

knew [REDACTED] was really drunk

She came out, walked down the hall Playboy bunny

[REDACTED] you don't want to do this come out -

No, it's too late, it's already gonna happen (know it's too late & it's already happened, or it's gonna happen)

█ came running down the hallway  
stop you're gonna ruin it

█ pushed chair way in the  
room

They saw █ looked - they came back out  
door closed (me + █ pulled them out)

All talking - OMG saw █ pants  
- mistake

█ still listening, laying  
on the ground trying to see under  
the door

heard █ on your baby (I heard them)  
█ :! they about going down on her  
(they said they heard this before)

I know that at some pt. they were  
in the shower - before

█ did was:

- heavily slurring speech
- stumbling - swaying when talking to  
us through the door.

Came running down the hall  
you're going to ruin (this or it)  
he did not seem drunk to me

- obs. aware we were trying to get █ out  
- walking like a sober person █

9-9:30 - Everyone in someone's room drinking  
[redacted] had a 1/5 of Fireball  
remember commenting (on his drinking  
a lot)

10:30 - I left not long after [redacted] to room  
-14:30 - don't know if invited or when  
I left, heard they played ruff cage  
app said she barely had to drink

Midnight - outside [redacted]'s door.

1-10 - 7 in [redacted] room  
(earlier: 5)

[redacted]? - don't know if she drank at all 1-2  
before at most.

Think I went back to room ~~when~~ they  
came out - only heard stories  
about what happened.

She had just moved to our floor

- she had gotten kicked off another floor  
for another incident

Got ahold of someone else's phone,  
texted BED

- Nicest floor in Olympia

- everybody knew that wouldn't  
have happened w/out alcohol involved  
[redacted] didn't find her attractive

- Talked - really doesn't want to keep going through w/Chris  
Apt complaining about having to come in.

- Haven't really talked to ■ - she's at Park every time - she looks seemed to talk to us

■ says she looks pissed off.



Interviewer(s): [REDACTED]  
Interviewing: [REDACTED]  
Date of Interview: 2 April 2014

Only seeing out of the floor

Everyone was by G's door

[REDACTED]

Being loud, all of them said G + [REDACTED]

Are "going to do it"

They were knocking on door trying

[REDACTED] wouldn't want to do that. He didn't  
like her. Knew [REDACTED] was drunk

[REDACTED] got came out in robe, walked down  
hall

[REDACTED] came to door - said ITS TOO LATE, ITS  
[REDACTED] went in going to happen

[REDACTED] comes down hallway, says "STOP  
you are going to ruin this"

[REDACTED] went in saw  
[REDACTED] naked, [REDACTED] came out

Door got closed, outside

[REDACTED] said saw [REDACTED] naked.

Interviewer(s):  
Interviewing:  
Date of Interview:

WE were all TALKING. [REDACTED]  
+ [REDACTED] HEARD ~~door~~ CAR

"BEST guess" - sex. [REDACTED] WAS ~~SAID~~ SAYING

[REDACTED] SAID SOMETHING ABOUT GOING DOWN  
[REDACTED] SAID HE HEARD [REDACTED] SAY "OH YA  
BABY"

THEY were SHOWERING BEFORE [REDACTED] CAME  
OUT

SHE did NOT seem drunk

[REDACTED] WAS slurring, swaying when TALKING

[REDACTED] WAS very aware - ran down HALLWAY  
- SHE said "you are going TO Ruin"  
THIS or IT  
- she wasn't stumbling

[REDACTED] saw [REDACTED] earlier -  
everyone WAS IN SOMEONE'S ROOM  
[REDACTED] HAD FIATTH OF FIREBALL  
[REDACTED] commented on [REDACTED] drinking A LOT

Interviewer(s):  
Interviewing:  
Date of Interview:

LEFT AFTER [REDACTED] CAME INTO ROOM ~ 10:30  
NOBODY WAS NEAR TO HER  
PLAYED RAGE CAGE - PEOPLE SAID SHE BARELY  
HAD ANYTHING TO DRINK.

STARTED AROUND 9/9:30 PM

CAME BACK AROUND MIDNIGHT  
OUTSIDE [REDACTED]'S DOOR.

SAW [REDACTED] - ~ 7/10 IN [REDACTED]'S ROOM  
4/10 IN OTHER ROOM

SAW [REDACTED] - 1/10 WHEN HE SAW HER  
CAME OUT OF HER ROOM.

LEFT BEFORE THEY CAME OUT OF [REDACTED] ROOM

SHE [REDACTED] HAD JUST MOVED INTO FLOOR.  
HEARD THAT SHE HAD BEEN KICKED OFF  
OF FLOOR. KNEW THAT SHE GOT A HOLD  
OF SOMEONE'S PHONE + TEXTED RED.

EVERYONE KNEW THAT WOULD HAVE HAPPENED

[REDACTED] DOESN'T FIND HER ATTRACTIVE - NOR DOES  
ANY GUY ON FLOOR. TALKED ABOUT BEFORE  
SHE MOVED ON FLOOR

Interviewer(s):  
Interviewing:  
Date of Interview:

RESPONDED "ITS TOO LATE"  
WHEN THEY WERE OUTSIDE DOOR  
+ SOMETHING LIKE "ITS ALREADY HAPPENED"  
OR "ITS GOING TO HAPPEN"

SINCE THE INCIDENT - [REDACTED] SAID HE WANTS  
IT TO BE OVER

HAVEN'T TALKED TO [REDACTED], BUT WHEN HE  
GOES TO FLIX - [REDACTED] BOOKS SCARED TO  
TALK OR LOOK AT US. [REDACTED] WORKS THERE.  
[REDACTED] ( [REDACTED] UPSET ). [REDACTED] SAYS [REDACTED] LOOKS

OEO 3/27/14

- x Arrived really late
  - roommate came up to me - they were both in her room
  - Went w/him, saw everyone crowded in front of [redacted] door
  - Seven ppl.

[redacted]

- Trying to listen in - I was standing there - amused

→ left - lounge

- ~ 1 hr.
- lounge → hall
  - One time, went to [redacted] room w/her BF - Found [redacted] there
  - Talking about what had happened
    - just know he regretted it
    - I should not have done that
    - stated generally - had sex w/ [redacted]

- Fairly done 6 or 7
  - not stumbling or slurring word
  - knew he had been drinking
    - just a certain way he acts more outgoing
  - normal volume - exaggerated emotion 5000135



more expressive

- doesn't recall

- When in lounge, [redacted] walked in once  
- he asked if I knew what happened

- Yeah, I know

- joked about it for a sec.

- someone else came in (don't recall who)

- [redacted] came in

→ [redacted] room

KOA - Joked? "Damn [redacted]"

- He was like - "yeah"

(like oh man, I screwed up.)

- Cause I knew he didn't like her at all.

Allen.

- Ash why'd you do that?

He'd say, I don't know.

- After [redacted] left lounge [redacted] came in  
don't recall what said.

I think I said a few words to her

- Maybe a 7

- came kind of busting in

- immed. set down

- leaned on the table (elbows)

- not a full convo - re ~~room~~

000134

towards  
end of  
nr.

- She came in w/ her bedrobe on. sat down
- she wasn't intoxicated
  - moving around fairly well
  - she seemed like how I usually see her.
- I do know she did drink a little bit (total)
  - pretty much everybody

- They said [redacted] was really drunk & [redacted] was only drinking a little bit.
- First time, in front of door
- They said [redacted] is really drunk w/G

Later - [redacted] kinda taking adv. of [redacted] - he was really drunk & she was sober -

- kind of keeping him away from [redacted]
  - talking
  - she started knocking
    - had [redacted] hide in closed
    - rest hid around the room
  - making excuses of why she couldn't come inside
  - she said she'd heard [redacted] voice
    - said she was pushing at the door - trying to get in

- When she left, we all came out of our hiding spots - I left - went back to the lounge

- I saw [redacted] later  
- we talked in the lounge - though not much talking  
- just kind of avoided the subj

- I think I asked what happened  
- he said he didn't really know how it started, it just happened.

He said he really didn't want to rem.  
- we were supportive of him  
- knew he didn't want

- They did things in the shower  
→ her room

[redacted] - H opened the door  
- he said that he didn't know H had opened the door

- In the lounge H said she'd opened the door & saw [redacted]  
- was surp

- he didn't recall what had happened in room

not sure what order

He said they were showering together & she gave him a [redacted]

Interviewer(s): f [REDACTED]  
Interviewing: [REDACTED]  
Date of Interview: 27 MARCH 14

- Arrived late

- roommate ([REDACTED]) said Yates + [REDACTED] were in her room.

- went w/ her + saw everyone crowded on front of gy's door (7 people)

- People on front of door

[REDACTED] [REDACTED]

- Trying to listen IN, standing amused outside door

- [REDACTED] THEN went to lounge

- After lounge, [REDACTED] came to [REDACTED] room  
saw [REDACTED] IN [REDACTED] ROOM LATE (1 HOUR AFTER HE ARRIVED)

- [REDACTED] went IN TOO

[REDACTED] WAS TALKING ABOUT WHAT HAPPENED  
said should NOT HAVE done THAT

- HAD see w/ [REDACTED]  
AT THIS TIME, [REDACTED] was fairly fine (~6/7)  
wasn't stumbling, slurring, etc.

knew HE HAD seen striking, people told [REDACTED]  
this. HE was a lot more outgoing  
exaggerated emotions

Interviewer(s):  
Interviewing:  
Date of Interview:

'didn't recall specifics of  
Cousin a [redacted] room

'When [redacted] was in lounge. [redacted] walked  
into lounge before [redacted] room (w/in 1 hr  
[redacted] asked RK if he knew what  
happened)

Joked about it, then they left  
- HE WASNT CRYING, BUT ASSUMED THAT  
HE REGRETTED IT FOR [redacted] COUSIN.

- [redacted] knew he didn't like her. They would  
ask why they would do that. [redacted] would  
say he didn't know.

'Came into lounge towards end of HR  
' HE came brooding, set down immediately  
' elbows on table.

' ~~she~~ I didn't have full cousin  
[redacted] then came in, RK didn't talk to her,  
[redacted] one other female in lounge  
' nothing about her demeanor  
' both on.

' she wasn't intoxicated. moving fairly well  
how she usually seemed around the  
hall.

' knew she drank b/c people told me.



Interviewer(s):  
Interviewing:  
Date of Interview:

Person told Dr THAT [REDACTED] was really  
drunk, + [REDACTED] HAD NOT DRANK much

- IN FRONT of door

THEY  
- said "[REDACTED] is really drunk w/  
[REDACTED] RIGHT NOW"

- THEY said LATER THAT [REDACTED]  
took advantage of [REDACTED] B/C she was sober  
+ [REDACTED] was drunk

IN [REDACTED] room -

- keeping [REDACTED] away

- ~~she~~ <sup>gy</sup> STARTED knocking, HAD [REDACTED]  
+ OTHERS HD.

- [REDACTED] was making excuses why  
gy couldn't come in

- [REDACTED] later said [REDACTED] was pushing at  
the door trying to get in.

[REDACTED] left, came out of hiding spots, [REDACTED] left  
+ went back to lounge.

Saw [REDACTED] later in lounge.

[REDACTED] friends were in lounge  
for a bit.

- avoided the subject.

Interviewer(s):  
Interviewing:  
Date of Interview:

PC asked [REDACTED] How IT HAPPENED

[REDACTED] said didn't know how it started,  
it just happened.

[REDACTED] said He really didn't want to  
remember that.

were supportive of [REDACTED], knew he didn't  
want to do it, but did.

[REDACTED] said they were in shower, went to  
~~the~~ <sup>GY's</sup> room. Showering together, she gave him  
a blow job. Couldn't recall what happened in room

[REDACTED] said that she opened the door  
+ [REDACTED] closed door.

- [REDACTED] didn't recall this, he was surprised

- this convo was in the lounge

Not sure if shower was before or after  
the room.



March 10, 2014 - March 16, 2014



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[REDACTED]

060

3/11/14

NDA/ABD

- There w/ my friends ~ 9:00 (don't really rem)  
8-9 of us hanging out - in a room  
- [REDACTED] was there

- All just drinking  
- games, hanging out talking

- I wasn't drinking even

- [REDACTED] was very drunk

- have drunk w/ him before

- way beyond normal

- Saw him drink almost a whole 1/2  
of Fireball

- Beer pong

- Race cage

1-10?

- [REDACTED] came in during beer pong

- he went over to [REDACTED] touching  
on his arms

- he laughing - no clue what he wanted  
to do anything

[REDACTED]

7-8

- had met her before

- Not drinking the beer pong game  
- was

[REDACTED]

0

- Behaviors

- slurring his speech - laughing - couldn't form  
- loud - heavy eyes sentences

- swaying when trying to stand 2/1000123

don't know at 0 - but how she was acting - didn't seem

~ 10 (assuming 9 start)

Beer pong 30-40 min

watching / playing

- watching

(think she was drinking)

Page cage - 1 weekend

on 7 or 8 ppl

weren't interacting

After page cage - she started standing next to him

4 1/2-3

Saw [redacted] at end of hall hallway

- came back - does anyone have a condom?

- [redacted] you don't want to do that

- everyone no [redacted] no - he laughed

Just wanted to say goodnight (opened crack)

6 - night [redacted]

Can we say night to [redacted]

[redacted] your friends say goodnight - closed

knocked on door again

- We'd really like to see [redacted]

→ door 5 min. He & Megan

- Could see him behind her  
- willy naked  
(Chat's how knew - he was past under ~~the~~  
- he would never let me see him  
like Chat

- not even min / 30 sec  
- door closed again  
- 3 min 4 min [redacted] came out looking for  
Iceball → end of hallway

- Knocked on door to get [redacted] she  
heard us run back.  
- went back in - didn't come back out

[redacted]  
said

After they had sex  
- he told her he needed to check friends  
to my room - had in closet

- Is [redacted] in here  
- no he's not  
- I heard his voice  
- not him

- Can I see [redacted]  
- not here - closed door

knocked  
again

- Tell [redacted] he left his Cougar card  
- Ill come get it  
- followed her to room

Q - Is [redacted] not in here  
found out later Chat had had it the whole  
time

- He came to my room

Sex

We heard it - Chem meaning

- They were in the shower too.

- She kept saying, "you like Chem" awkward

You girls aren't going to be able to do anything, he's not coming out, she's not going to let him in (3 min - 4 min)

15

min.

to room

- don't recall what he said

- talking - no guys - instantly not happy

heard the knock

he went to the closet

friend crawled to bed

- I see him

no Chats

very persistent to get [redacted] out of the room

Body language

Slouched, looked upset

- he couldn't believe that just did it (what I got from what he was saying to us)

He told us what happened

I think... I don't rem



- turned on shower - having sex  
she hurt her knee - great

- I realized what I was doing so said  
I needed to go see my friends

1-10? - 9 ( [REDACTED] )

1-10? - 2 ( [REDACTED] ) - don't know what like when drunk  
- didn't see the signs, but knew  
she'd been drinking earlier  
30 - 2

- In room ( [REDACTED] )

- left → back to my room

- made sure she was in her room

( [REDACTED] ) his room

- all went to sleep

- more etc? idk

- When walking down hall to get cong. card

- You need to leave him alone

This could be considered rape, you need to

( [REDACTED ] - didn't really say anything, no reaction step

- 'No, I just want to hang out w/ ( [REDACTED ] )

- He was so unaware of what was happening  
& she was so persistent about getting home

000119

back to her room

She knew how drunk he was, everyone did, you could just see it on him.

We had a new girl move in

who lived here?

oh she lived in my dorm, she told us she moved because she raped someone

(new girl)  
roommate heard

(in & out)

- maybe there - but don't know if he knew what was happening at the time

Interviewer(s) [redacted]  
Interviewing [redacted]  
Date of Interview: 11 MARCH 2014

was there w/ [redacted] [redacted] came INTO room  
8-9 people. [redacted] was there already  
MGM: hanging out in room

evening drinking. playing drinking games  
[redacted] was very drunk  
\* Almost a whole 5th by himself - ~~was~~ HS saw this  
FIREBALL

\* josty, laughs, can't see  
\* Beer pong + rage cage - games they were playing  
\* [redacted] came in during party. she came over to [redacted]  
+ touching him (put his arms).

[redacted] was just laughing.  
\* HAS TALKED TO [redacted] PREVIOUS, but not a lot  
\* when [redacted] came in, he was on w/ to B. she was not.  
\* [redacted] was drinking during beer  
pong.

- slurred speech
- loud, laughing, couldn't form sentences
- eyes "heavy"
- swaying

Interviewer(s)  
Interviewing:  
Date of Interview:

DIDNT observe anything that indicated she was drunk/driinking before she came in @ 10 PM

Beer pong lasts 30-45 mins after [redacted] came in. [redacted] was playing but not whole time she started drinking a little bit, but HS was watching

- large cage

- ~7 or 8 people

- [redacted] + [redacted] are playing, weren't interesting

- HS saw waves, he is on stage, [redacted] is 1-2

AFTER large cage, HS peeks head down hall + sees them talking

[redacted] came back + asked for condom, everyone says "no" [redacted] just laughs. [redacted] go to door 5 mins later to [redacted] room

[redacted] opens door a crack. [redacted] says "your friends say good night," and closes door

HS knock again, told [redacted] really like to see [redacted] behind door, see [redacted] naked, didn't care what happened, he would never let [redacted] see him like that. - 3-4 mins later

[redacted] get room to get AIRBAG.

[redacted] was [redacted] working on door again + runs down hall

Interviewer(s)  
Interviewing:  
Date of Interview:

goes down THE hallway, sees them knocking  
Runs BACK w/o FIRE ALARM  
He went to HER ROOM, [REDACTED] came down THE  
HALL TO HIS ROOM (15 MIN AFTER ~~she~~ <sup>gy</sup> closed door)  
"HEARD IT" - they were IN the shower.  
morning, [REDACTED] said "you like that"  
An jug there said you girls won't be able to  
[REDACTED] went TO HIS ROOM + hid IN CLOSET stop  
SHE heard voice IN HIS ROOM.

"I HEARD HIS voice"  
said "[REDACTED] I CAN HEAR you"  
said CAN I see [REDACTED] HIS said HE'S NOT IN  
HER. voice IS EX-BOY

SHE looks again. THEN [REDACTED] HE LEFT COYAR CARD  
IN [REDACTED] ROOM. HE goes DOWN TO [REDACTED] TO get CARD  
[REDACTED] SAYS A CARD NOT IN THERE.  
[REDACTED] THEN FOUND OUT THAT [REDACTED] HAD CARD whole  
time

[REDACTED] was TALKING  
HEARD [REDACTED] knock. THEN [REDACTED] RAN TO CLOSET

"very PERSISTENT TO get [REDACTED] OUT OF ROOM."



Interviewer(s):  
Interviewing:  
Date of Interview:

Knew he wasn't HAPPY

Body language - slouched, looking down  
LOOKED upset

He couldn't believe he just did that.

He said I THINK they turned on shower,

she hit her knee, so they stopped having sex  
she started giving him oral

Then [REDACTED] said

"I realized what I was doing, so I said  
I need to go see my friends."

[REDACTED] IN HIS ROOM ~ 9/SCALE

[REDACTED] WAS AT DOOR ~ 2/SCALE

NO SIGNS, BUT SAW her drinky earlier

[REDACTED] LEFT + WENT BACK TO HER ROOM. MADE  
SURE [REDACTED] WAS IN HIS ROOM + THEN  
WENT TO SLEEP.

Doesn't know if [REDACTED] DRANK any more.

WHEN [REDACTED] + [REDACTED] WERE WALKING TO GET CARD  
HE SAID THIS COULD BE CONSIDERED RAPE, JUST

WANTED [REDACTED] TO STOP

[REDACTED] SAID "I JUST WANT [REDACTED] TO HANG OUT

w/ [REDACTED]"

Interviewer(s):  
Interviewing:  
Date of Interview:

THOUGHT IT & COULD BE RAPE B/C OF  
HOW UNCOMFORTABLE HE WAS, + [REDACTED]'S PERSISTENCE  
ANYONE KNEW [REDACTED] WAS DRUNK. YOU COULD  
JUST SEE IT.

new girl moved in. [REDACTED] moved INTO OTHER NEW  
GIRL'S OLD ROOM  
new girl said [REDACTED] SAID THAT SHE MOVED  
OUT B/C she raped someone"  
'ROOMMATE TO HIS THIS ↑

[REDACTED]

[REDACTED] FRIEND) - w/ [REDACTED] while knocking.

'Says THAT SAW + SAID [REDACTED] IN ROOM during  
drinking:

[REDACTED] 'CAN IT STOP'

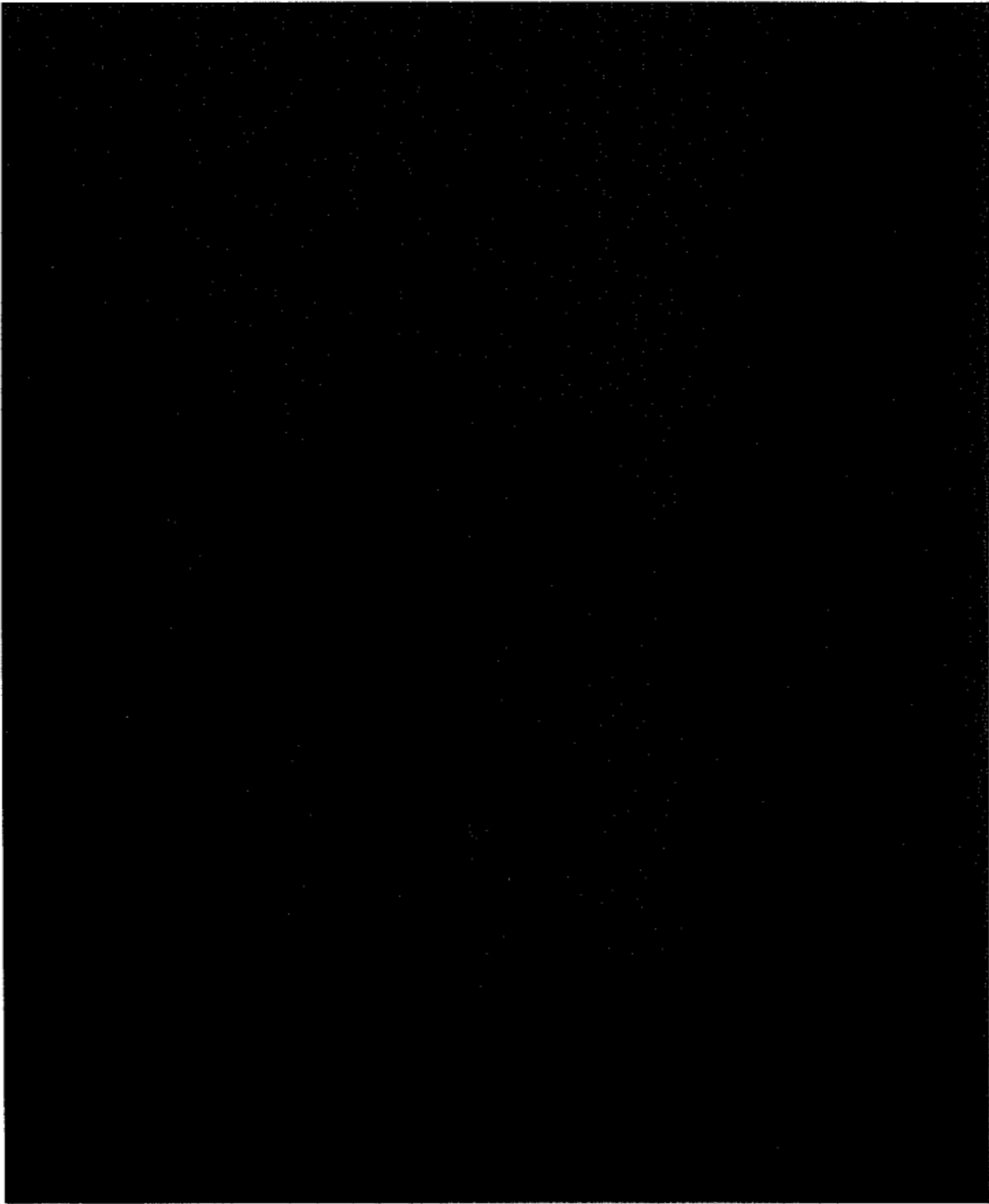
[REDACTED]



ent)



- student center
- general info
- transfer credit
- academics



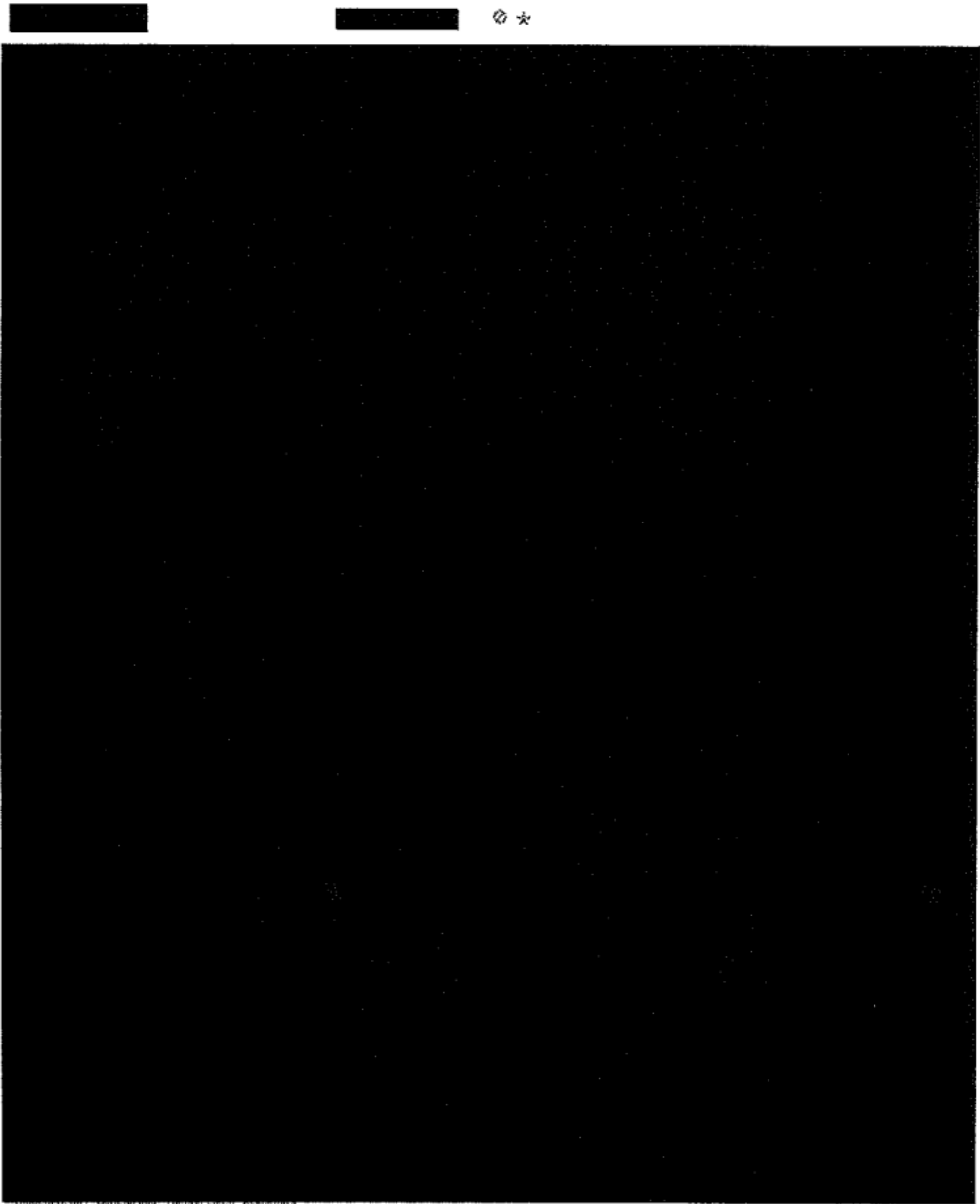
You are signed in as [REDACTED]

SEARCH

FAVORITES

campus community student services ctr (student)

ADMINISTRATIVE STAFF MY PAGE



00

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**Jussel, Adam B**

---

**From:** Anderson, Kimberly  
**Sent:** Wednesday, January 29, 2014 11:58 AM  
**To:** [REDACTED]  
**Cc:** Jussel, Adam B  
**Subject:** WSU Office for Equal Opportunity

**Categories:** Today

Dear Mr. [REDACTED]

I recently learned about concerns you discussed with your Resident Advisor and I'd like you to know about some resources available to you on campus and in the community (please see below). I'd also like you to know about the WSU processes in place to respond to the concerns you have raised, which may implicate the [WSU Policy Prohibiting Discrimination and Sexual Harassment](#) (Executive Policy 15), and relevant provisions of the [WSU's Standards of Conduct for Students](#). Please see below for information about those processes.

If you are willing, I'd like to schedule a time for you to talk with me and Mr. Adam Jussel, Director of the WSU Office of Student Standards and Accountability (copied on this email), so we can discuss resources that may be available to you, and can coordinate an appropriate university response to your concerns. If you are willing to speak with us, I'd appreciate it if you would give me a call at 509-335-2111 or respond to this email.

Please do not hesitate to contact me if you have any questions or concerns, or if I can assist you in accessing any resources.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)

**The following resources are available on campus and in the local community:**

In most instances, care providers from the following resources can talk with you confidentially about your concerns:

**WSU Health and Wellness Services (HWS):** HWS offers a range of health services for students. You may contact this office at 509-335-3575. For additional information, visit [hws.wsu.edu](http://hws.wsu.edu).

**WSU Counseling and Testing Services:** WSU Counseling and Testing Services provides confidential and private counseling and can provide information about referrals and options, including helping you to access services related to academics, housing, transportation, and medication referrals. You may contact this office at 509-335-4511. For additional information, visit [counsel.wsu.edu](http://counsel.wsu.edu).

**Alternatives to Violence of the Palouse (ATVP):** ATVP provides supportive services to all victims and survivors of domestic violence, sexual assault, and stalking. Services are confidential, free of charge and without discrimination. You may contact this organization twenty four hours a day, seven days a week at 509-332-4357 (HELP), and on campus at 509-432-9971. For additional information, visit [atvp.org](http://atvp.org).

The following WSU offices can talk with you about your concerns and will share information only on a need-to-know basis, but cannot guarantee confidentiality, as a matter of law:

**Dean of Students:** The Dean of Students' Office can assist you in coordinating resources and support, such as changes in classes or your schedule. This office also can help you resolve housing issues, notify faculty if you will be leaving campus for a short time, and assist you with other challenges you may encounter. You may contact the office at 509-335-5757. For additional information, visit [deanofstudents.wsu.edu](http://deanofstudents.wsu.edu).

**Office for Equal Opportunity (OEO):** This office works closely with the WSU Office of Student Standards and Accountability (OSSA) on student conduct cases involving discrimination, sexual harassment, and sexual misconduct. OEO conducts preliminary investigations, makes findings of fact, determines whether EP 15 was violated, and makes recommendations to OSSA about further disciplinary actions. OEO also can provide you contact information to file a complaint with state and/or federal agencies. You may contact OEO at 509-335-8288. For information about OEO's processes, visit [oeo.wsu.edu](http://oeo.wsu.edu).

**OSSA:** OSSA works closely with OEO on student conduct cases involving discrimination, sexual harassment, and sexual misconduct. OSSA participates in preliminary investigative meetings and addresses any disciplinary action, as appropriate, after the preliminary investigation is complete. OSSA administrates the student conduct system, and addresses potential violations of WSU's Standards of Conduct for Students. You may contact OSSA at 509-335-4532. For information about OSSA's processes and the Standards of Conduct, visit [standards.wsu.edu](http://standards.wsu.edu).

#### **Additional Resources:**

**Student Legal Services:** WSU's student government, Associated Students of WSU, has a Student Legal Services office that may be available for consultation or referral to a local attorney. You may contact this office at 509-335-9539.

Additionally, please be advised that WSU's processes under Executive Policy 15 and the Standards of Conduct for Students are separate from any criminal process and can be pursued simultaneously. If you wish to file criminal charges or pursue a no contact order, you may contact the police. Also, at your request, we may assist you in reporting to one of the following agencies:

- **WSU Police Department** 509-335-8549
- **City of Pullman Police Department** 509-334-0802

Please be advised that WSU's student conduct process includes support and protection for individuals who have alleged a violation of WSU policies, including, but not limited to, the option to consult an advisor during the process, and the option to determine the extent to which that individual will participate in the process.

Also, WSU policy prohibits retaliation against anyone who participates in the investigative and disciplinary processes mentioned above. Retaliation will be regarded as independent grounds for investigation, separate from any allegations of discrimination, sexual harassment, or sexual misconduct.

→ CEO Phone

8/27/14



- too much - want to drop the case completely...



OEO Phone → 5/27/14

→ 5:00 p.m. VM

• A lot of stuff has happened

- Thinking about it

- don't want my parents finding out.

- my worry is that it'll go

- Counselling services?

• Would like that

- Nothing will go to my home?  
#





Jussel, Adam B

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 12, 2014 11:21 PM  
**To:** [REDACTED]  
**Subject:** convo with [REDACTED]  
**Attachments:** convo.png

[REDACTED]  
This is my conversation with [REDACTED]

[REDACTED]

f Search for people, places and things



000101

## Records, Daniel Bryan

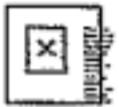
---

**From:** Anderson, Kimberly  
**Sent:** Saturday, February 01, 2014 6:04 AM  
**To:** Records, [REDACTED]  
**Subject:** Fwd: Picture  
**Attachments:** image.png

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Washington State University  
509-335-8288

Begin forwarded message:

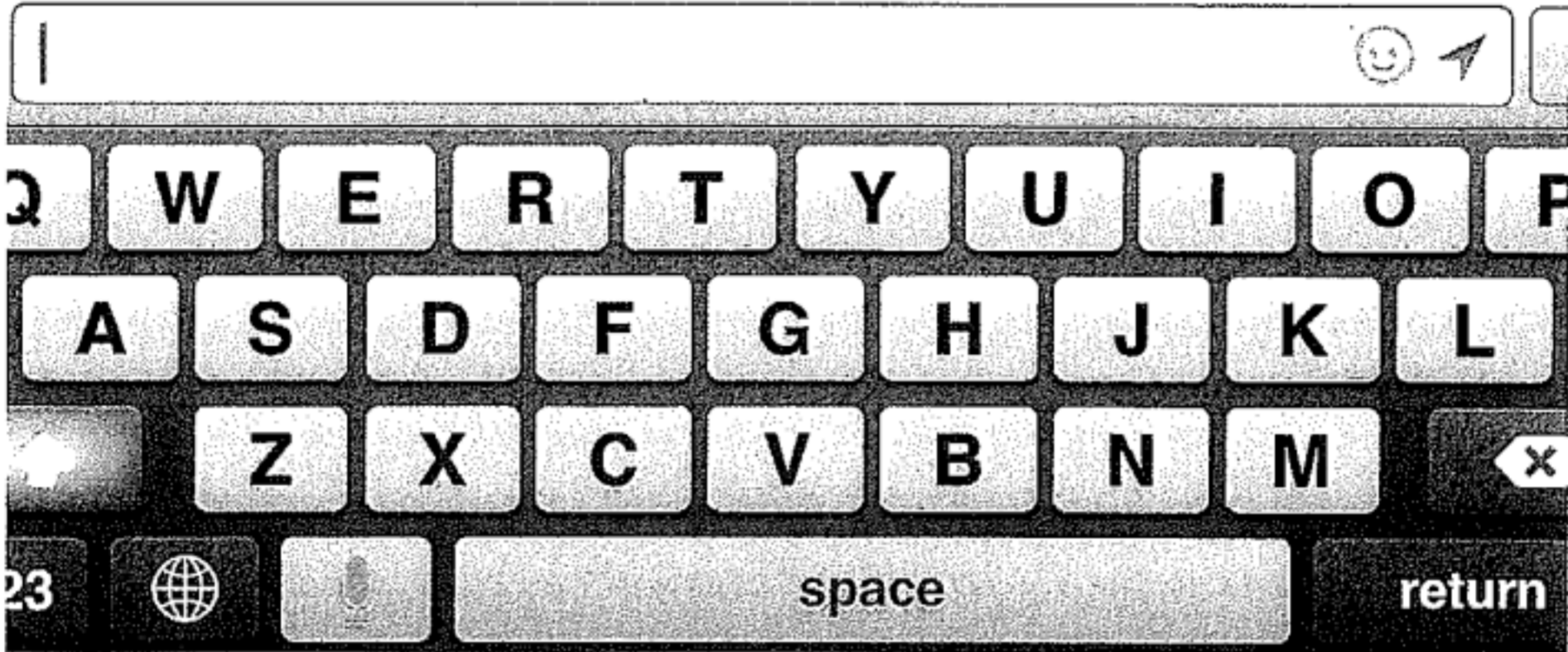
**From:** [REDACTED]  
**Date:** January 31, 2014 at 5:12:09 PM PST  
**To:** "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Subject:** Picture



active 34m ago

I miss you

Sent from mobile





000098

Interviewer(s): [REDACTED]  
Interviewing [REDACTED]  
Date of Interview: 31 JAN 2014

Sat night → Sun Monday [REDACTED]

Drinking A LOT

FURAN

RES HAIR

~10PM SAT started drinking

, went out for dinner ~6pm

only remembers certain aspects

Waking hair, ended up in [REDACTED] room

started kissing

Went back & asked Ppc for condom

only remembers people asking / asking  
at the

[REDACTED] "Pushy" Person sat, [REDACTED] saying  
"we're here"

[REDACTED] ? - trying

[REDACTED] kept giving me vodka

Next remember in shower w/ her, kept

Pushy <sup>the</sup> back in the shower

She put conditioner in her hair

went to [REDACTED] room

[REDACTED] was looking for him, [REDACTED]

ex in the room

Interviewer(s):  
Interviewing:  
Date of Interview:

[REDACTED] COMES BACK

[REDACTED] FB MSG HIM "I MISS YOU"  
HE IGNORED IT

FROM WHAT I REMEMBER

WE HAD SEX - I GUESS THE BED  
HER ROOM, OR HE GIVES HER  
A BED  
STOVE - SHE GAVE ME SOME SEX

1-10 PM

FIREARM FROM THE BOTTLE. ENTIRE BOTTLE "STANDARD  
THINKS HE DRANK  
STH"

~ 12 PM MEETS [REDACTED] ~ 10 / SCALE

DOESN'T REMEMBER, BARELY REMEMBERS  
FACTS. BARELY ABLE TO WALK

WITNESSES

[REDACTED]  
ANYONE ON THE FLOOR WOULD KNOW

[REDACTED] + [REDACTED] MET IN AUGUST,  
REMEMBERS GOING IN TO [REDACTED]'S ROOM

SINGLE ROOM

Interviewer(s):  
Interviewing:  
Date of Interview:

Before anything happened, she gave him vodka  
He asked for Fireball, she came to look, then  
[REDACTED] at door -

"DO NOT REID THIS FOR ME"

NO ESTIMATE HOW MUCH VODKA

Doesn't know if she was drinking

Vodka she had in her room

~~XXXXXXXXXXXX~~

could be unclothed completely

Knock on the door - could be 2 separate incidents

It "XXXX" [REDACTED] - ~~she~~ she just want

to say goodnight - want to see [REDACTED]  
[REDACTED] was out bed.

Before knock on the door, kissing

~~After they left~~

Doesn't remember how his clothes got off

Wanted to leave, kept saying I want to get  
Fireball so he could leave

Another knock

Woke up in his room

30 JAN 14

- Kissing, she took his shirt off  
THINKS she removed her pants

- He was on the top, wearing condom,  
she asked for one, she had a bag  
of condoms IN THE ROOM

- EJACULATED IN SHOWER

- vaginal Penetration, she says lets go to  
THE shower. she led me to shower

- she performed oral sex,  
TOOK OF condom

AFTER THAT HE SAID HE HAD TO  
THAT she pulled BACK putting something  
IN HIS HAIR she did, THAT HE LEFT

- Next thing he remembers he IS IN  
Room ~15-20 min

comes by to look for

SAID TO HIDE IN THE

CLOSET. Just me + my BF

knocks again, says needs to come

get CONGAR CARD, SAID SHE'LL

COME GET IT. HAS CONGAR CARD

~1:30 AM  
-2:30 AM

7/10 score

- remembers night a little better

000004

██████████ said

- "TOO LATE ALREADY HAD sex"

- ██████████ SAID HE IS TOO DRUNK YOU  
CAN GET IN TROUSERS FOR THIS  
SINCE INCIDENT

██████████: AFTER THIS LEFT TALKING ██████████ RE:  
CRIM 5 MAJOR

- NO TEXT OR FB MESSAGES RE THAT NIGHT

- FB MSG AT 2:53 AM - "I miss you"

- ██████████ WENT TO BED, ██████████ STAYED UP IN  
LOUNGE

- MAYBE ██████████ (NOT ██████████ BR)  
██████████ ROOMMATE

- IN LOUNGE TIL 6AM

+ JUST UP TALKING TO PEOPLE.

+ EVERYONE KNOWS - PEOPLE KNEW. WORD  
SPREAD.

- FIRST TIME ~~YOU~~ HE HAD sex.

- IF HE IS SOBER, HE WOULDN'T HAVE HAD sex

- NOT ATTRACTED TO HER, EVEN AS A FRIENDSHIP

- OVERBEARING

- ACT "VIOLATED"



- HE WOULD BE UNCOMFORTABLE IF HE SAW HER
- HAS A CLASS w/ HER - CREDIT [REDACTED]
- DOESN'T LIKE HAVING CLASS w/ HER
- TALK TO DCS.

050

1/31/14

(RA)

That night - Scot (last) - 30m morning  
- drink - Residence Hall  
- all over the place  
- Fireball  
10:00 p.m. started  
(dinner - 6 ish)

Walking the hallways  
- managed to end up in [redacted]'s room  
- she started kissing me  
- asked if I had a condom  
- went back asked if  
people kept checking on me  
kept asking for my Fireball  
- she ended up leaving

next

[redacted] at door  
[redacted] pushing them out we're line  
couldn't find Fireball  
Vodka - straight  
- shower - after everybody was gone  
Wanted out wanted to leave  
- kept trying to leave  
She - no wait, no wait - conditioner

[redacted] & her ex - hid in the closet

000091

She kept trying to push the door open

Concave card - trying to get me back in  
the room

[redacted] said she'd get it

From what I remember

- there was sex involved
- on her bed

- remember being on the bed

In the shower, she gave me oral sex  
on the bed

I gave her oral stimulation

9-10

Fireball - straight from the bottle

- Gen. around 12:00

- Entire bottle - standard 1.5 Oz. -

1-10?

10.

- don't remember the events leading up to it

- tripping in her room

[redacted]  
Anybody on the floor

000090

Encounter - Remembering up until  
- Hallway or room  
- Remember being in the room - not how  
- live always wanted to do this

~ 12:00 - Single

Before clothes on - vodka  
- I asked for my Fireball - just wanted  
her gone.

They told me she said "don't ruin this for me"

no idea how much vodka drank

don't think she drank any vodka @ Went  
point

don't know if she'd been drinking

asked for Fireball

- she went to look for it
- people to door
- she ran back - he's fine
- she gave vodka - that

blurry about what happened & when

They knocked on door



just want

000088

to say goodnight  
- can we  
- think that happened before she ball

- I was on the bed

we were kissing (before knocked)

- when my friends came to get me, I was undressed  
- I think she took off my shirt  
(best remember how undressed)

- Realizing bad it wanted out

- I want to get my fireball

- I wanted out of the room

(2nd know)

Little more

Remember - snap shots

- kissing - she took shirt off

- she removed her pants

on the top. - yes (condom)

- I asked for a condom

- don't know who asked

- she had a bag of condoms in her room

don't remember how long that lasted  
- before (oral - before vaginal)

She said let's go to the shower  
↳ She got up & took me  
she performed oral sex on me  
↳ in shower - water running  
ejaculated

I have to go and my friends - I have to go  
really uncomfortable  
- let me just put shampoo or slug in  
hour

left - don't know if went there or they saw  
ended up in [redacted] room me in hallway

hide in  
closet

she came to door - is [redacted] in there?  
I heard his voice  
- no it's just me & my boyfriend

I could hear everything still in the closet

1:30-2:30 - came back - computer card  
[redacted] - I'll get it - no [redacted] has to  
come get it

[redacted] said she told [redacted] - you can get  
- in trouble - he doesn't want  
too late we already had sex



- She kept texting me Crim Justice questions  
- deleted.

In closet 1-10

- remember better 17

I was in closet - she left

- then Facebook message 2:53

no messages about the night

→ Lounge - til 6

w/ [redacted] (not [redacted] boyfriend)  
[redacted] roommate

Stayed there talking - couldn't

Everyone pretty much knew what  
- ppl on 5th

- I'd never done anything before - people knew.

- 1st sexual contact

if sober?

Absolutely not

- not the kind of girl I'd be attracted to  
- not even as a friend.

Violated

- I've made a huge mistake

Uncomfortable

One class - class was cancelled

Freshman



I don't like it (classes w/ her)

-1



000084

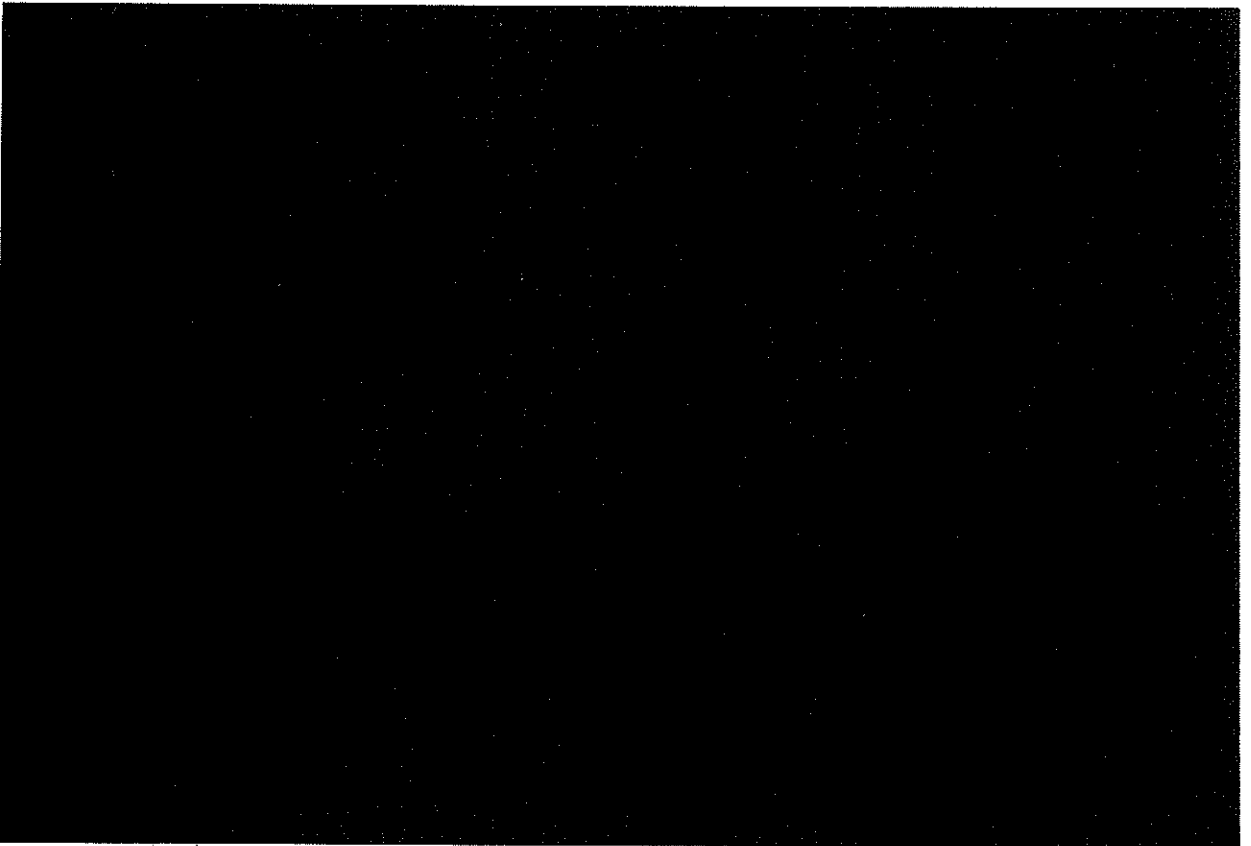
Search zzzsis

FAVORITES

SIGN OUT



[https://osprd.wsu.edu/psc/PWSUN/EMPLOYEE/HRMS/c/SCC\\_ADMIN\\_OVRD.SCC\\_SU...](https://osprd.wsu.edu/psc/PWSUN/EMPLOYEE/HRMS/c/SCC_ADMIN_OVRD.SCC_SU...) 2/3/2014



000083

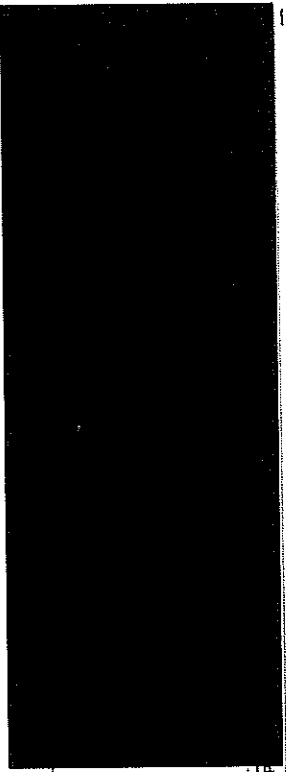
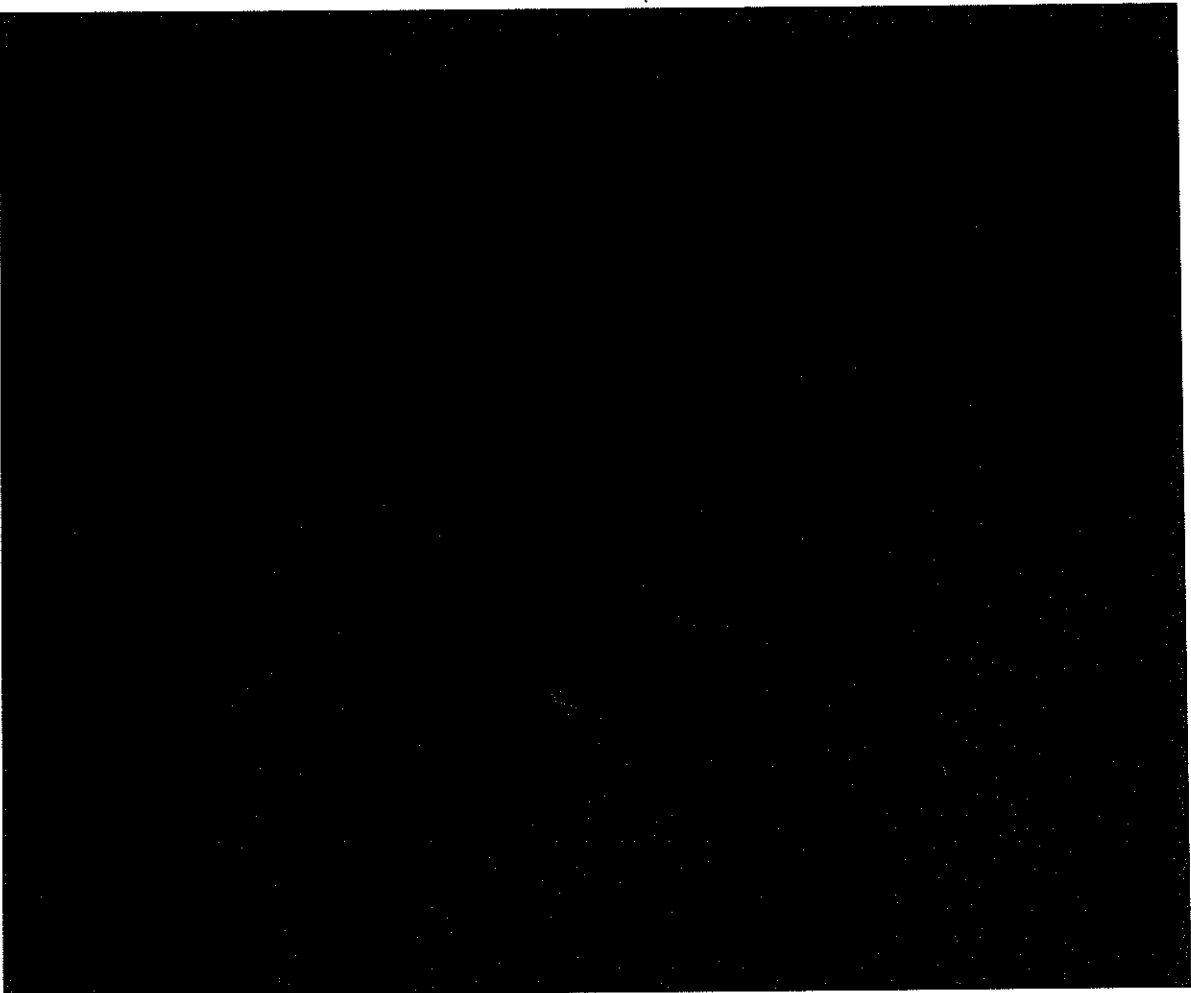
[https://osprd.wsu.edu/psc/PWSUN/EMPLOYEE/HRMS/c/SCC\\_ADMIN\\_OVRD.SCC\\_SU...](https://osprd.wsu.edu/psc/PWSUN/EMPLOYEE/HRMS/c/SCC_ADMIN_OVRD.SCC_SU...) 2/3/2014

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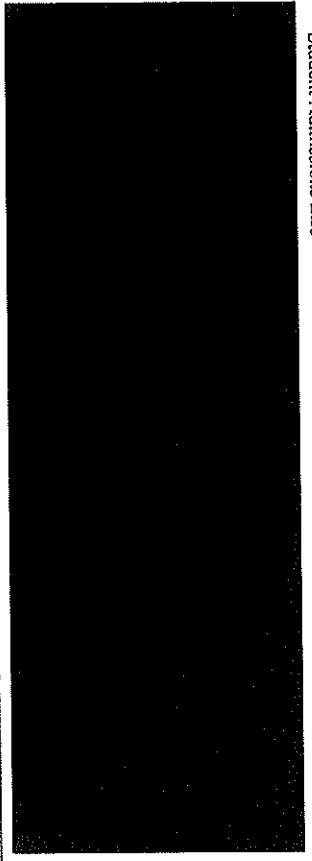
4/17

000082



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000080



OEO

5/12/14



Emcull vs. U.S.

[REDACTED]

OED

4/16/14

[REDACTED]

Done w/ Vitals Weds afternoon

[REDACTED]

- RED

[REDACTED] - totally calm like not even there  
- But when he sees me at <sup>work</sup> acts freaked out.

° looking clear

[REDACTED]

- Pray for [REDACTED] - he was taken advantage of - day after.

→ Hinnant -

4/1/14

Phone

Briefly explained complaint process.

Advised [redacted] that she could take finals and register for fall courses as usual.

CEO 3/10/14

- Pushed back graduation date

- Cancelled study abroad

- Questions about timeline

- not likely completed by March 19

CEO

2/26/14

KDA/ABS

- Flix - have seen him several times there
- never talked to him
  - no direct contact

Night - told to leave

- before I met w/
- called - didn't answer or leave

- flashed in the hallway when we were leaving the room
- thought caught on camera
- called day to see if had talked to

Messaged on FB

- I missed him; couldn't find him when I came back up.

Didn't want to elaborate on why it didn't work, there were privacy issues - that's why we didn't have vaginal

- painful

- just offered oral sex

- he didn't know it was painful

- checked w/ women's clinic - after - no reason (already had an appointment set up)

\*\*\*\*\*



Interviewer(s) [REDACTED]  
Interviewing [REDACTED]  
Date of Interview: 26 FEB 2014

2ND INTERVIEW

HAS seen [REDACTED] AT AIX, BUT NEVER HAD ANY CONTACT WITH HIM

NIGHT TOLD SHE needed TO leave DYNIA  
called [REDACTED], FEW HOURS I MET w/ [REDACTED]

[REDACTED] JUST SAID HE WANTED TO MEET

RASHED [REDACTED] IN THE HALLWAY DURING THE NIGHT OF THE INCIDENT, WHEN SHE WAS GOING TO GET COUGAR CARD

MORNING ~ 2:30 AM MSG'D [REDACTED] IN FB SAID SHE MISSED HIM B/C COULDN'T FIND HIM WHEN SHE GOT BACK

[REDACTED]

IT WAS PAINFUL  
JUST OFFERED ORAL SEX  
HE DIDN'T KNOW IT WAS PAINFUL, THEY DIDN'T DISCUSS IT  
HAD APPT ALREADY w/ HEALTH CENTER

\* STAYED HOME SICK THAT NIGHT

\* ~11:30 PM WENT TO LOUNGE, PEOPLE PLAYING CARDS AGAINST HUMANITY

[REDACTED]

+ 5-6 OTHER PEOPLE

[REDACTED]

WASNT HERE

UPH FLOOR ONLY

\* PLAYED FOR 30-40 MIN

\* 12:15 - WENT TO CHANGE 3/4 WEARING SHORT

409 - SOMEONE WAS THERE - STARTED DRINKING

~12:15 AM

[REDACTED]

[REDACTED]

2-3 [REDACTED] FRIENDS

~9-10 TOTAL

| GUY WHO LIVES THERE WASNT THERE

| PLAYING BEER PONG

[REDACTED]

WENT TO ROOM TO GET TEQUILA AT ~12:20 AM

BACK TO 409

\* MUDRY WENT TO ROOM RTA - QUIET HOUR (12 AM)

\* GETS BACK TO [REDACTED] STOPPED PLAYING BEER PONG

+ PUT DESKS TOGETHER

\* BEFORE PAGE - ~1/2 SHOT TEQUILA [REDACTED] DRANK)

\* PAGE - 25-25 SLD CUPS W/ 1/2 SHOT VODKA +

HAWAIIAN PUNCH + 1 BIG CUP IN MIDDLE

1. DOESN'T THINK ~~ANYONE~~ DRANK BEFORE RAGE, + maybe  
1 SHOT OR 2 OR FIDELAN (HE BROUGHT THIS)

1. SHE THINKS HE MAY HAVE DRANK B/C BOTTLE  
WAS FULL + THEY WERE TALKING

~~1. SHE THINKS HE MAY HAVE DRANK B/C BOTTLE  
WAS FULL + THEY WERE TALKING~~

1. SHE HAD ABOUT 7 SHOTS BY 2ND ROUND

14-15 SOLD CUPS BETWEEN 2 ROUNDS

1. 2ND ROUND DRINKS WERE STRONGER

~~1. SHE HAD ABOUT 7 SHOTS BY 2ND ROUND~~

~~1. SHE HAD ABOUT 7 SHOTS BY 2ND ROUND~~  
1. 2 ROUNDS OF RAGE HAD 2-3 SHOTS

1. BETWEEN ROUNDS, ~~HE~~ TOOK BIGGER SHOTS,  
~~HE~~ TAKING SHOTS OUT OF THE BOTTLE

1. DURING SECOND ROUND, FEEL DIZZY

~~HE~~ TOLD HER SHE HAD ENOUGH

AFTER 2 ROUNDS, SOMEONE GAVE HER 3 MORE <sup>SHOTS</sup> ~~SHOTS~~  
+ SHE THREW UP IN COMMUNITY BATHROOM

IN BATHROOM FOR 5 MIN, THREW UP 4X

1:30 AM WENT ALONE TO BATHROOM

STUMBLING AGAINST WALL

BATHROOM UP GOT HER SHIRT, SO SHE WAS GY TO  
~~BATHROOM~~ Bedroom

She saw [redacted] going out of his room, he asked where she was going

He started kissing her against his door  
for maybe 1 min

She told him "If you want to have sex tonight, so get a condom"

He was not having a problem walking, wasn't stumbling  
walking fast, no bloodshot eyes, didn't have

He came back w/ 2 condoms

4/5 out of 10 on scale [redacted]

8/10 ([redacted] - couldn't walk, slurring words)

[redacted] was trying to clean off bed, she fell off bed, sprained knee

All of these memories are clear in her mind. She expected him to return.

He comes back ~ 5 min later

- She let him in,

- He fell b/c he was trying to take clothes off quickly

- Once he was undressed, + she was (she took towel off) on the bed

- He pushed her on the bed -

- Had been + was kissing

Interviewer(s)  
Interviewing:  
Date of Interview:

- I WAS TOOK DRUNK FOR ANYTHING
- HE WANTED HIS PIPEMAN, SO SHE WENT DOWN THE HALL + SOMEONE GOT IT TO HER
- KISSING STANDING, HE PUSHED HER ON BED, MADE OUT, MADE A FEW ATTEMPTS

KEISSED FOR A FEW MINUTES, WENT TO VAGINAL INTERCOURSE, HE PUT CONDOM ON, VAGINAL INTERCOURSE WASNT WORKING

SHE OFFERED TO PERFORM ORAL SEX, THEN SHE PERFORMED ORAL SEX ON BED

SHE SUGGESTED SEX W/ CONDOM IN SHOWER, WASNT WORKING, SO SHE GAVE HIM BLOW JOB

WHEN SHE GOT INTO SHOWER, SOMEONE (REDACTED + 2-3 FRIENDS) KNOCKED ON DOOR, (REDACTED) SAID TO ANSWER SHE PUTS ROBE + TOWEL TO ANSWER

~~CHANGED~~: HAD JUST GOT INTO SHOWER BEFORE KNOCK

- JAY WALKED OUT NAKED, + (REDACTED) + FRIENDS SAID GOODNIGHT

- SHE TALKED TO THEM SAID (REDACTED) WAS IN ROOM + "THEY WERE BUSY"

PAGE 4

000064

Interviewer:  
Interviewing:  
Date of Interview:

█████ walked OUT + SAID "HEY GUYS WHATS  
GOING ON" THEY SAID "DON'T WORRY WE  
DIDNT SEE ANYTHING."

THEY LEFT + █████ + █████ GOT BACK IN SHOWER

-BACK IN SHOWER, ATTEMPTED VAGINAL INTERCOURSE  
HE THREW CONDOM, SHE PERFORMED ORAL SEX  
AGAIN

IN SHOWER ~ 2 MIN BEFORE KNOCK; AFTER  
KNOCK ~ 20 MIN

DRANK SOME MORE FINISAR + VODKA AFTER  
HER (RASPBERRY PEARMAD)

~10 MIN JUST LAID ON BED + TALKED +  
MADE OUT

GET DRESSED B/C HE WANTED TO CHECK ON FRIENDS

SHE WENT DOWN TO LOBBY TO ACTIVATE COUG CARD  
█████ ZENIS WOULD NOTE THIS

CANNT READ THE SCREEN, BUT ADMITTED  
THAT TO DRINKY HAD CONTACTS IN

█████ BP - HAD TO HAVE PHONE AGAINST  
HER FACE TO READ IT B/C ~~STRENGTH~~ OF  
ALCOHOL



Interviewer(r)  
Interviewing:  
Date of Interview:

WENT UPSTAIRS, SAW [REDACTED] + [REDACTED] STAIRS  
[REDACTED] SAID [REDACTED] WENT TO BED, + TOLD  
[REDACTED] "ITS 3 AM, you need to go to bed"

~3 AM, SAID "NOT ITS 2:50" #

~2:50 AM [REDACTED] GOES BACK TO ROOM + LAYS DOWN  
~30 MIN, TANA KNOCKED AT DOOR, SAID "[REDACTED]  
IS WORRIED ABOUT HIS BIRDS" [REDACTED] GAVE IT  
TO HER + WENT TO BED.

~7:30 AM

NEXT AM, WENT TO LOUNGE TO TALK KNEE.

SHE SAW BIRDS

WENT BACK TO BED

LATER IN AFTERNOON, GOES TO LOUNGE [REDACTED] +  
[REDACTED] + GUY IN [REDACTED] ASKED HOW  
NIGHT WENT.

SUN, MON, TUES - [REDACTED] + [REDACTED] TALKED ABOUT  
CLASS, SAW EACH OTHER EVERY DAY

SUN AM

[REDACTED] w/ CURLY HAIR + ROOMMATE'S WRITE BOARD  
SAID "PRAY FOR [REDACTED] HE WAS TAKEN ADVANTAGE  
OF."

SHE ERASED NOTE ON WHITEBOARD, [REDACTED] ERASED IT AND SOMEONE ELSE'S BOARD + [REDACTED] WITNESSED IT.

[REDACTED] MET W/ HER TO GET SOME THING OUT OF HER ROOM

[REDACTED] WAVED AT HER + SAID HI DURING THIS INCIDENT.

"I THINK I WAS A LOT MORE INTOXICATED THEN AS M." SHE NEVER THREW UP FROM DRINKING BEFORE THAT NIGHT

/ KICKED HER OUT OF CLASS SHE IS IN W/ HIM THAT HE SAYS HE NEVER GOES TO.

/ SHE MISSED OUT AT WORK

/ WAS ONLY IN [REDACTED] FOR 2 WEEKS.

WITNESSES

[REDACTED]

SHE WANTS TO FILE A COMPLAINT AGAINST [REDACTED].

KDA

One of the  
- One n [redacted] y found  
out [redacted]

Stayed in  
Feeling better  
lounge (part 8th in bridge)  
[redacted] - playing  
cards against humanity on 4th floor

Middle of the game dealt me in - played  
30-40 minutes

12:15 back to room to change - cold  
↳ they'd gone to room 407

[redacted]  
0 - 9 or 10 of us there  
but not the owner of the room

12:15 Middle of playing beer pong  
went to my room & got tequila 15 min.  
Kolly came in a couple times re: quiet hrs 12:00

Decided they didn't want to play beer pong any more

000060

Pilled desks together

- decided to play raze

20-25 solo cups in a circle

vodka & Hawaiian punch.

- 1/2 shot tequila

- don't think he'd drank anything before we had started playing so he did

maybe a shot or two of Fireball

(pretty full bottle @ beginning of the night)

- Game - drinking

- point of game is to make other ppl drink

- ping pong ball - give cup to wh

- 1st round

- 2nd round stronger

> 14-15 cups

~ 7 shots total

█ & I were trying to push cups to other side of table

█ - 3 or 4 cups during first round

- I kept losing so I drank the most

In btwn rounds ~ 2 more shots of teq.

23 swigs of Fireball

██████ was taking shorter shots - I was taking bigger drinks

I was laughing - during second round  
██████ friends started giving ~~me~~ me more cups

~ 1:30

Taking shots of Jack Daniels ~ 3  
- community bathroom - threw up  
~ 5 min. - 4 times

Stumbled, walking against the wall to the bathroom

Got vomit on my shirt - went to change  
- as walking to bathroom, from bathroom

- saw ██████

- walked over & asked where I was going

I told him I'd got ~~shit~~ vomit on my shirt & was going to change

he started kissing me against my door - maybe a min.

Told him if he wanted to have sex that night, to go get a condom

000058

he walked down the hall really fast  
came back w/ two  
If I didn't know he was drinking ... walking  
fast.

no ~~had~~ shot eyes, no slurred speech  
him: 4 or 5 little past tipsy

Me: 8 - I couldn't walk, slurring my  
words.

- trying to clear a path to my bed
- fell & sprained my knee - twisted  
it as getting ~~to~~ my bed.

clear memory.

expected that he was coming back  
gone maybe 5 min.  
in room.

We tried using bath

knocked, let him in

- went to bed

- he fell trying to take his clothes off  
quickly

- Once he was undressed, he pushed me  
on the bed

- he took my clothes

- kissing - ~~he~~ continued to kiss when he pushed  
her down.





- I was too drunk for anything
- Put my robe on - hall for preball
- continued to hrs: few minutes made out.
- he attempted vaginal int.
  - that wasn't working
  - it just wasn't. - I wasn't
- I offered to perform oral sex
  - did on the bed.

Suggested Try w/ another condom in the shower

- still not working so I just gave him another blow job.

Before shower -

- someone knocked on door 
- & two of three friends 
- said to answer
- Robe + towel on hair
- Had been in shower - not much - make

knock - good night

- he walked out naked
- they guys what's going on

2 min  
187 shower

knock

They asked if [redacted] was in my room.  
 I said yes, that we were busy.  
 Walked out - Hey guys what's going on?  
 don't worry we didn't see anything.  
 They left  
 got back in the shower  
 again  
 Sex later he took the condom off  
 of I performed oral sex again.  
 ~20 minutes.

Teg

Got out of bath grabbed towels  
 - both drank Fireball & Vodka

Vodka (someone else's)

Rasp Vodka  
Fire Ball

10 min.  
 - laid on bed - talked & made out  
 he wanted to find friends

Went to activate my cougar card  
 - kiosk - reactivated my reg. card  
 230813 posts a notice  
 couldn't see screen - couldn't read anything  
 because of drinking

[redacted] boyfriend - typed name into phone  
 (Nor apt referral) - close to Vace to Read

Upstairs saw [redacted]  
- asked where [redacted] went  
[redacted] went to bed

Gen. it's time to go to bed it's 3  
pulled out my phone & said no, it's 2:50  
Back to room laid down

20-30 min. [redacted] knocked on door  
[redacted] was worried about his Drabell  
- too tired didn't ask why  
- gave it to her, went to bed.

Next morning, went to lounge to ice  
my knee  
saw the Drabell w/ a little more  
missing

~ 8:00  
- looked for Sprite      crackers in room  
back to bed

Sun. Mid afternoon [redacted] in lounge  
Guy in [redacted] was back, asking how  
the night went

Sun. Mon. Tues - saw [redacted] every day  
- talked about class

Everything seemed fine - Next day Sun, morning  
'Pray for day, [redacted] was taken advantage of.

I erased it.

█ saw it on someone else's door - Chat rule  
erased it. - saw her do it.

Told - seen him at work - no contact

Back to █

2 days after notice

█ met w/ me @ 10:30

█ getting off elevator - waved  
@ me - oh hi.

I think I was a lot more intoxicated than  
him. Most of my drinking came from  
the game.

I've never thrown up before that night.

Taken a toll on my mental & physical  
health.

CTS of Crows Centers

Out of class.

- money for text books.

Missed out on \$30-40 @ work.

█

- don't know anybody else on Chat floor

Want to file a complaint? Yeah  
I drank Chest night - I'm being punished

## Records, Daniel Bryan

---

**From:** Anderson, Kimberly  
**Sent:** Monday, February 17, 2014 2:22 PM  
**To:** Records, Daniel Bryan  
**Subject:** Fwd: CRMJ student travel to London

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Date:** February 17, 2014 at 4:21:13 PM CST  
**To:** [REDACTED]  
**Subject:** Fwd: CRMJ student travel to London

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Date:** February 17, 2014 at 4:13:29 PM CST  
**To:** [REDACTED]  
**Subject:** Re: CRMJ student travel to London

Hi [REDACTED],

You may want to consult the Office of the Attorney General to discuss the legal implications in this matter. ([509-335-2636](tel:509-335-2636)).

I can only comment on the process for addressing concerns under the WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (EP 15). As I discussed with [REDACTED] my office, the WSU Office for Equal Opportunity, is the office that investigates allegations which implicate EP 15. Assuming that were conducting an investigation into student conduct



implicating EP 15, we would also work with the Office of Student Standards and Accountability (OSSA) who would determine whether the Standards of Conduct for Students (the Code) were violated. We are an impartial investigative office and do not draw conclusions about violations of policy until the investigation is complete. Were we to find that a student had violated EP 15, we would refer the matter to OSSA to determine whether additional processes are appropriate under the Code. If after the process is complete, an OSSA Conduct Officer or the Student Conduct Board finds a violation of the Code, they may then consider imposing appropriate educational sanctions.

The university occasionally orchestrates interim measures for the protection of both parties during an ongoing investigation; these may include changing residence hall assignments so the parties are not required to interact etc. But these are not sanctions, and are not intended to unduly burden either student's educational pursuits.

I cannot comment on your arrangements with students regarding study abroad trips, but can only suggest you review the parameters of your agreement with the student regarding how you will address allegations of misconduct. I would also suggest that you act consistently with your response to other situations where a student has disclosed that they are involved in an investigation or conduct process. I cannot comment on your policies related to alcohol use prior to or during the trip.

Please let me know if you have any additional questions.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
509-335-8288

On Feb 14, 2014, at 1:53 PM, [REDACTED] wrote:

Hi Kim:

[REDACTED] and I have been discussing the London study abroad trip she is leading over Spring Break. As you know, there is a student who will be participating in this trip who is currently a respondent in a student conduct complaint and who has previously received an alcohol-related sanction (the student has informed me of these complaints directly). We want to be sure that it is appropriate to allow the student to participate in the London trip. Obviously [REDACTED] will do all that she can to ensure the students are safe and obey local laws (for instance the drinking age is only 18

in England, I believe), but they are (young) adults and there is only so much supervision that can be provided.

So . . . could you let [REDACTED] and I know if your office deems it appropriate to allow this student to participate in the London trip despite her previous and current conduct incidents? All I need is an e-mail saying it is OK (or not), and we will rely on your judgement.

Thanks,

[REDACTED]

+++++

[REDACTED]

Professor, Department of Criminal Justice and Criminology  
Affiliate Faculty, Washington State Institute for Criminal Justice Research  
( [wsicjr.wsu.edu](http://wsicjr.wsu.edu))  
Washington State University  
Pullman, WA 99164  
(509) 335-4031

The times they are dark, darkness covers the earth  
But this world's filled with the beauty of God's work  
Hold tight to your promise, stay righteous, stay strong  
For the days of miracles will come along

This is your sword, this is your shield  
This is the power of love revealed  
Carry it with you wherever you go  
And give all the love that you have in your soul

Bruce Springsteen, This Is Your Sword (2014)

## Records, Daniel Bryan

---

**From:** Anderson, Kimberly  
**Sent:** Thursday, February 13, 2014 6:10 PM  
**To:** Records, Daniel Bryan  
**Subject:** Fwd: Student Inquiry  
**Attachments:** image001.png

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 13, 2014 at 6:05:48 PM PST  
**To:** "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Cc:** [REDACTED], "Jussel, Adam B" <[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)>  
**Subject:** Student Inquiry

Hello Kim,

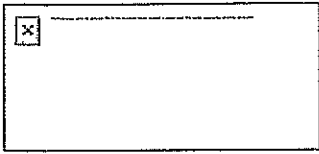
My name is [REDACTED] and I'm the Director of Global Learning, the office within International Programs that facilitates education abroad programs. I contacted your office last Friday to seek guidance on a situation. We have approved a student to go abroad who your office is currently investigating. While I understand that you cannot disclose specifics about the case, I would like to speak with you about the student's participation on the program.

I've copied the faculty director who will be facilitating this education abroad program in London, so that she is in the information loop, as well as Adam Jussel with whom I've briefly discussed the case.

Would you be able to speak with me and/or [REDACTED] about this situation sometime tomorrow, Friday? Thanks so much in advance. I truly appreciate the opportunity to talk, and look forward to hearing from you soon.

Christine

[REDACTED]  
Director Global Learning | Associate Clinical Professor, Sociology  
Washington State University | International Programs  
Bryan Hall 101 | PO Box 645110  
Pullman, WA 99164-5110  
1-509-335-8180 | [coakley@wsu.edu](mailto:coakley@wsu.edu) | [www.ip.wsu.edu](http://www.ip.wsu.edu)



## Records, Daniel Bryan

---

**From:** Anderson, Kimberly  
**Sent:** Thursday, February 13, 2014 1:23 PM  
**To:** Records, Daniel Bryan  
**Subject:** FW: [REDACTED] Case  
**Attachments:** [REDACTED] convo with [REDACTED]

---

**From:** Jussel, Adam B  
**Sent:** Thursday, February 13, 2014 1:20 PM  
**To:** Anderson, Kimberly  
**Subject:** FW: [REDACTED] Case

FYI.

Adam Jussel | *Director, Student Standards and Accountability*  
Washington State University | Lighty 260  
[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

---

**From:** [REDACTED]  
**Sent:** Thursday, February 13, 2014 12:57 PM  
**To:** Jussel, Adam B  
**Subject:** [REDACTED] Case

Hey Adam,

Here are additional e-mails in regards to the [REDACTED] case. I'm not really sure if these factor, but Drew told me not limit anything that may or may not be related.

[REDACTED]  
Washington State University  
Department of Residence Life  
Residential Education Director - Northside Hall  
509-335-0077

"What lies behind us and what lies before us are  
tiny matters as compared to what lies within us."  
-Ralph Waldo Emerson

Live Easy, Live Social, Live Close: LIVE ON! Stay on campus another year!  
[liveon.wsu.edu](http://liveon.wsu.edu)

**Jussel, Adam B**

---

**From:** Anderson, Kimberly  
**Sent:** Tuesday, February 11, 2014 3:42 PM  
**To:** [REDACTED]  
**Cc:** Jussel, Adam B  
**Subject:** RE: WSU Office for Equal Opportunity 2014-018

Hello [REDACTED],

We will plan to see you on Thursday at 4:00 p.m. Please come to the OEO office.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)

**From:** [REDACTED]  
**Sent:** Tuesday, February 11, 2014 2:54 PM  
**To:** Anderson, Kimberly  
**Subject:** Re: WSU Office for Equal Opportunity 2014-018

Hi Kim, I stopped by today and spoke to [REDACTED]. Thursday at 4pm works. Will the meeting be in the OEO office of the conduct office?

Thank you, [REDACTED]

Sent from my iPhone

On Feb 11, 2014, at 9:18 AM, "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)> wrote:

Hello Ms. [REDACTED]

I understand from Mr. Adam Jussel, Director of the Office of Student Standards and Accountability (copied), that you are considering filing a counter complaint regarding the interaction discussed in my letter to you dated January 31, 2014. I'd like to schedule a time for you to speak with me and Mr. Jussel as soon as possible. At that time, we can discuss your counter complaint and response to the underlying allegations. You are welcome to bring an advisor with you to this meeting.



Are you available to meet at 8:00 a.m., 3:00 p.m., or 4:00 p.m. on Thursday, February 13, 2014? If none of these times will work, please give me a call and we can find another time that will. I have included in the attachments the WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (Executive Policy 15), and a list of resources that may be available to you. Please don't hesitate to contact me if you have any questions.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)

<EP 15 2014 2.pdf>

<WSU Resources.pdf>

**Anderson, Kimberly**

---

**From:** Jussel, Adam B  
**Sent:** Monday, February 10, 2014 12:59 PM  
**To:** Anderson, Kimberly, [REDACTED]  
**Subject:** Fwd:

[REDACTED] and Kim,

Can we discuss today?

Thanks.

Adam

Begin forwarded message:

**From:** "[REDACTED]"  
**Date:** February 10, 2014 at 12:58:02 PM PST  
**To:** "Jussel, Adam B" <[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)>

Hi Adam, I talked to [REDACTED] this morning and she said the best way to reach you would be through email. I was wondering if you had anymore information in regards to a timeline of the investigation or as to when I will be contacted for the initial interview with OEO and yourself. Also, when would be the best time to file a countercomplaint?

Thank you, [REDACTED]

(WSU ID- [REDACTED])

Jussel, Adam B

---

From:

Sent:

[REDACTED]  
Sunday, February 09, 2014 10:49 PM

To:

Subject:

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

phone

2-7-14

B. Alan

Dir. Global Learning  
Education Abroad

Call Faculty Director

Student Conduct violation  
disclosed nature of it but

Concerns

paired up w/ roommate

someone she doesn't know

no waffle room for single accommodations.

Normal process

If student conduct violation open  
we are very hesitant to have a  
student go on study abroad.

Prior Conduct

She had to meet with me re: an open  
conduct violation hadn't met all of  
the sanctions on time.

Alcohol

(is alcohol involved here?) (not sure)

She kept in touch w/me updated on progress  
for completing sanctions. But she was on the  
edge of not being able to go

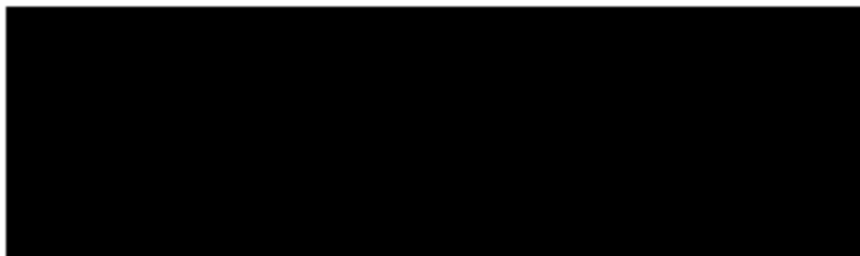
000041



Cell



Crim J. Prof





2-7-14

Title IX process

She has a student who is going to  
going through as a respondent.

wants <sup>me</sup> to walk her through the process.



**Anderson, Kimberly**

---

**From:** [REDACTED]  
**Sent:** Friday, February 07, 2014 12:18 PM  
**To:** Anderson, Kimberly  
**Subject:** FW: Change in class section

**From:** [REDACTED]  
**Sent:** Friday, February 07, 2014 10:33 AM  
**To:** [REDACTED]  
**Subject:** Change in class section

Melynda & Kim –

I am confirming that [REDACTED] is no longer enrolled in [REDACTED]. She has dropped that course and reenrolled in the [REDACTED] section through WSU Global Campus effective 2/6/14.

She is aware that she cannot attend the on-campus [REDACTED] 0 class/classroom. The department and instructor are also aware that she is not allowed to be present at that Pullman class/classroom.

Karen Fischer  
Assistant Dean of Students  
Office of the Dean of Students  
French Administration Building, Room 134  
Washington State University  
Pullman, WA 99164-1013  
509 335 6665

**Anderson, Kimberly**

---

**From:** [REDACTED]  
**Sent:** Thursday, February 06, 2014 9:42 AM  
**To:** Anderson, Kimberly; Jussel, Adam B  
**Subject:** [REDACTED]

Just a heads up to you both. For any university processes that [REDACTED] needs to be engaged in, I will serve as her advisor in those processes. I've reached out to her to indicate as such, but wanted you both to know that so we can be consistent with referrals for her, if needed.

Thank you.  
Mel

**Melissa Morgan | Assistant Dean of Students**  
Washington State University | French Administration 134  
509.335.5757 | [mel.morgan@wsu.edu](mailto:mel.morgan@wsu.edu)  
<http://deanofstudents.wsu.edu> | <http://spirituality.wsu.edu>



Go Cougs!



Print less. Be green.

## **Anderson, Kimberly**

---

**From:** Anderson, Kimberly  
**Sent:** Wednesday, February 05, 2014 1:04 PM  
**To:** Jussel, Adam B  
**Subject:** RE: [REDACTED]

My schedule is open the rest of today. Feel free to call anytime.

Thanks!

- Kim

---

**From:** Jussel, Adam B  
**Sent:** Wednesday, February 05, 2014 12:51 PM  
**To:** Anderson, Kimberly  
**Subject:** Fwd: [REDACTED]

Kim,

When you have a moment, will you let me know when you can chat regarding this?

Thanks.

Adam

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 5, 2014 at 3:18:50 PM EST  
**To:** "Jussel, Adam B" <[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)>  
**Subject:** [REDACTED]

Adam,

I'm not sure if/how you would like this information, but [REDACTED] continues to speak with my staff members about the situation. They have informed her that they have to report up and summarized the context. If you need additional information, do not hesitate to ask. Thanks.

[REDACTED]  
Washington State University  
Department of Residence Life  
Residential Education Director - Northside Hall  
509-335-0077

"What lies behind us and what lies before us are  
tiny matters as compared to what lies within us."  
-Ralph Waldo Emerson

Live Easy, Live Social, Live Close: LIVE ON! Stay on campus another year!

[liveon.wsu.edu](http://liveon.wsu.edu)

**Anderson, Kimberly**

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 05, 2014 11:41 AM  
**To:** [REDACTED]  
**Subject:** Conversations

[REDACTED] pulled me aside and told me that she wanted to talk with me. During our conversation Friday night (1/31) with [REDACTED] told me that she was moved because she is being allegedly accused of sexual assault or harassment (I cannot remember the specific word she used). I told her that I would have to report up and not out. She told me that while she was moving out she used the elevator with [REDACTED] a friend of his, and the kid that is also involved in the incident. [REDACTED] said the kid said hi to her. She couldn't understand why a guy who says she "raped" him would say hi.

The second conversation I had with [REDACTED] was Monday (2/3) evening. She sat down with me to write her statement. She ended up going through the night and create a timeline. Here is what I recall from the timeline: 11:30ish played cards Against Humanities with a few other from her floor. Afterward, they went to another room and began to start drinking. The resident(s) of the room were not there the whole night. She said other people were already there when she arrived. They played a game called Rage and some boys kept picking her to drink including [REDACTED]. She recalled about 15-20 drinks that night. [REDACTED] went to the community bathroom to puke and got some on her shirt. When she went to go change, [REDACTED] met her in the hallway and began to start kissing her in the hallway. She said that if he wanted to have sex that he needed to get a condom. While [REDACTED] went to get a condom, [REDACTED] cleaned off her bed and sprained her knee. Once they were done, [REDACTED] left and had a friend come back to grab his Fireball from [REDACTED] was hen put to bed by a friend.

Anderson, Kimberly

---

From:

[REDACTED]

Sent:

Tuesday, February 04, 2014 8:47 AM

To:

[REDACTED]

Subject:

[REDACTED]

[REDACTED]

[REDACTED]

## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

### POLICY

#### Purpose

Discrimination in all its forms, including discriminatory harassment, sexual harassment, and sexual misconduct (including sexual assault and other sexual violence), destroys mutual respect and a trusting environment, can bring substantial personal harm to individuals, and violates individual rights. Such behaviors are prohibited and are not tolerated at WSU. This policy expresses WSU's commitment to maintain an environment free of all forms of discrimination.

This policy applies to all students, faculty, staff, and others having an association with the University, including but not limited to such personnel at all campuses and WSU employment sites. Definitions of terms follow below. In some cases, certain definitions from the Standards of Conduct for Students are incorporated into this policy and apply to *all* persons subject to this policy, notwithstanding the applicability of the student conduct procedure.

WSU is also committed to the principles of free inquiry and free expression; vigorous discussion and debate are fundamental to the University. This policy is not intended to stifle teaching methods or freedom of expression. Discrimination, as prohibited in this policy, is conduct that is neither legally protected as an expression of free speech, nor the proper exercise of academic freedom. Discrimination compromises the integrity of the University, its tradition of intellectual freedom, the trust and respect expected in the University community, and the rights of individuals.

#### Discrimination Prohibited

This policy prohibits discrimination on the basis of the following protected classes and/or characteristics:

- Race;
- Sex/gender;
- Sexual orientation;
- Gender identity/expression;
- Religion;
- Age;
- Color;
- Creed;
- National or ethnic origin;
- Physical, mental or sensory disability, including disability requiring the use of a trained service animal;
- Marital status;
- Genetic information; and/or
- Status as an honorably discharged veteran or member of the military.



## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

Discriminatory harassment, a form of discrimination, is also prohibited. (See also "Sexual Harassment Prohibited" below.) Discriminatory harassment is improper conduct toward a particular individual, individuals, or groups on the basis of one or more of the protected statuses indicated above, that is sufficiently severe or pervasive that it has the purpose or effect of:

- Creating an intimidating, hostile, or offensive environment; or
- Unreasonably interfering with the work, academic performance, living environment, personal security, or participation in any WSU activity.

Examples of behaviors that may constitute discrimination include, but are not limited to:

- Denying someone an employment or educational opportunity or benefit because of their gender, race, or disability;
- Treating individuals differently because of their national origin or age (for example, giving them less advantageous working conditions);
- Following a practice or policy that disproportionately impacts women or members of the military; or
- Name calling, jokes, or other verbal or physical behavior towards a person based on their religion, sexual orientation, or perceived sexual orientation.

### Sexual Harassment Prohibited

Sexual harassment is a form of discrimination based on sex and/or gender and is prohibited by this policy. Sexual harassment encompasses unwelcome verbal or physical conduct of a sexual nature. Sexual misconduct, which includes sexual assault and other sexual violence, is a form of sexual harassment and also is prohibited by this policy (see below). Sexual harassment also encompasses "gender-based harassment," which means harassment of a non-sexual nature that occurs because of a person's sex and/or gender. It includes harassment based on the person's nonconformity with sex and/or gender stereotypes.

**Quid pro quo** sexual harassment occurs when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or education; or
- Submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual.

Sexual harassment creates a **hostile environment** when behavior is sufficiently severe and pervasive to interfere with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment.

## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

Examples of behaviors that may constitute sexual harassment include, but are not limited to, the following:

- Physical assault;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, work references, or letters of recommendation;
- Sexual behavior that is unwelcome. Such behavior may include, but is not limited to, the following:
  - Comments of a sexual nature;
  - Sexually explicit statements, questions, jokes, or anecdotes;
  - Unnecessary or undesirable physical contact;
  - Unwanted, offensive, and/or uninvited comments about another's physical appearance;
  - Display of pictures with sexual content;
  - Persistent, unwanted attempts to change a professional relationship to an amorous relationship;
  - Subtle propositions for sexual activity or direct propositions of a sexual nature;
  - Uninvited letters, e-mails, telephone calls, or other correspondence referring to or depicting sexual activities; and/or
  - Any of the above carried out via the Internet or social media ("cyber harassment").

Other offenses that may constitute sexual harassment when based on sex and/or gender include, but are not limited to:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct, which threatens or endangers the health or safety of any person;
- Intimidation, which is defined as implied threats or acts that cause a reasonable fear of harm in another;
- Hazing, as defined in *WAC 504-26-206*;
- Bullying or workplace violence, as defined in *BPPM 50.30*;
- Domestic violence and dating violence;
- Stalking, as defined in *WAC 504-26-223*.

## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

### Sexual Misconduct Prohibited

Sexual misconduct is a form of sexual harassment and is prohibited by this policy. The definition of sexual misconduct in WAC 504-26-221 is used for purposes of this policy. Sexual misconduct includes sexual assault and other sexual violence.

### Reporting

**WSU strongly encourages reporting of all forms of discrimination, sexual harassment, and sexual misconduct. WSU takes such reports very seriously.** Anyone who believes they are a victim of any violation of this policy, or any third party who witnesses or becomes aware of a violation, is to take one or more of the following actions, as appropriate. NOTE: All WSU employees have additional obligations (see "Employee Reporting Responsibilities" below).

- Report the incident to the Office for Equal Opportunity or to a Title IX Co-Coordinator, who promptly reports the incident to the Office for Equal Opportunity. The list of Title IX Co-Coordination is available from the OEO website at:

<http://www.oeo.wsu.edu>

- Report the incident to Human Resource Services (regarding alleged misconduct by employees), which promptly reports the incident to the Office for Equal Opportunity.
- Report the incident to the Office of Student Standards and Accountability (regarding alleged misconduct by students), which promptly reports the incident to the Office for Equal Opportunity.
- Report the incident to an employee with supervisory or advisory responsibility, who promptly reports the incident to the Office for Equal Opportunity.
- For incidents on urban campuses, online campuses, or Extension facilities, report the incident to the designated Title IX Liaison for that area, who promptly reports the incident promptly to the Office for Equal Opportunity. The list of area Title IX Liaisons is available from the OEO website at:

<http://www.oeo.wsu.edu>

After an incident is reported, WSU takes appropriate steps to stop the discriminatory behavior, prevent its recurrence, and remedy its effects. These steps include a prompt, effective, and impartial investigation. (See "Investigation Procedures" below.)

The Office for Equal Opportunity, generally within one working day of its receipt of a complaint, provides written materials to the complainant summarizing relevant policies, procedures, and available resources. Such materials include a contact person for questions or comments regarding this policy and the complaint procedures.

## **Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct**

### Reporting Criminal Behavior

WSU encourages students and others to report incidents of sexual misconduct, sexual assault, or other crimes or potential crimes to police. WSU's process under this policy is separate from the criminal process and can be pursued simultaneously. (See "Investigation Procedures" below.)

### Confidential Consulting

Anyone who believes they are a victim of any violation of this policy is encouraged to consult with a licensed health care provider, psychologist, or counselor (see "Resources" below). By law, such professionals are able to assist victims confidentially and are exempt from legal obligations to report incidents for investigation, with some exceptions (for example, child abuse, elder abuse, certain threats of harm).

### **Employee Reporting Responsibilities**

#### Incidents Involving Sexual Harassment or Sexual Misconduct

All WSU employees who have information regarding an incident or situation involving sexual harassment or sexual misconduct are required to promptly report the incident to the Office for Equal Opportunity or to one of the designated Title IX Co-Coordinators. The list of area Title IX Co-Coordinators is available from the OEO website at:

<http://www.oeo.wsu.edu>

The only exceptions to this requirement are those employees who are statutorily barred from reporting (for example, mental health care and health care providers who are acting in their capacities as mental health care or health care providers).

#### Incidents of Discrimination That Do Not Involve Sexual Harassment or Sexual Misconduct

WSU employees with supervisory responsibility must report all incidents of discrimination and harassment to the Office for Equal Opportunity, including incidents that do not involve sexual harassment or sexual misconduct. All other WSU employees are strongly encouraged to report incidents of discrimination and harassment that do not involve sexual harassment or sexual misconduct.

### Interim Measures

In some cases, WSU employees with supervisory responsibility must take immediate action to end offending conduct and protect the well-being of the complainant. Supervisors must take such interim measures in consultation with HRS and the WSU Division of the Attorney General's Office. (See also "Investigation Procedures - Interim Measures" below.)

## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

### Other Reporting

In addition, all employees should:

- Consider reporting incidents to police if suspicion exists that a crime was committed. For concerns about confidentiality laws (for example, FERPA), consult with the WSU Division of the Attorney General's Office;
- Report alleged incidents to a higher level supervisor and/or Human Resource Services; and
- Encourage complainant/third-party reporting individuals to consult with the Office for Equal Opportunity.

### Sexual Harassment and Discrimination Awareness Training

All WSU employees are required to complete sexual harassment and discrimination awareness training. Individual units may require additional training.

### Retaliation Prohibited

This policy prohibits retaliation. Retaliation includes any act that would dissuade a reasonable person from making or supporting a complaint, or participating in an investigation, under this policy. It includes any action or threat of action that could negatively affect another's employment, education, reputation, or other interest. **Retaliation is a separate and distinct violation of this policy.** Retaliatory acts should be reported immediately to the Office for Equal Opportunity and are handled promptly, effectively, and equitably.

### Investigation Procedures

The Office for Equal Opportunity conducts prompt, fair, effective, and impartial investigations of incidents of alleged discrimination, sexual harassment, and sexual misconduct. For complete information regarding investigative procedures, consult the Office for Equal Opportunity's Procedural Guidelines for Responding to Allegations of Violation of the WSU Policy Prohibiting Discrimination and Sexual Harassment. To view the guidelines, select the Complaint Procedures link at:

<http://chr.wsu.edu/complaint-investigation/>

Investigations under this policy are subject to the following:

- **Confidentiality.** WSU takes confidentiality seriously, but limitations exist. Investigative information is shared with others on a need-to-know basis, including with investigators, witnesses, the accused individual, and relevant WSU officials, or as required or permitted by law. In some cases, the investigation file may be subject to requests for public records; WSU redacts identifying or other information when legally permissible. When a complainant requests confidentiality, WSU respects that request to the extent possible while meeting its legal obligations.

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Executive Policy #15  
Revision Approved January 16, 2014

## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

- **Conflict of Interest.** An investigator does not participate in an investigation in which he or she has a conflict of interest. A conflict of interest means the existence of an interest that could reasonably affect or appear to affect the impartiality of the investigator.
- **Criminal Complaints.** Under this policy, a complainant has the right to file a criminal complaint with the police. The criminal process can be pursued simultaneously. WSU does not wait for the conclusion of a criminal case to investigate possible violations of this policy. In some cases, a temporary suspension of WSU's investigation may be necessary when requested by law enforcement. However, WSU's investigation resumes promptly once WSU is notified by law enforcement that it may proceed. An outcome reached in a criminal process does not necessarily determine the outcome of WSU's process.
- **Interim Measures.** WSU takes appropriate interim steps before a final resolution to support and protect the complainant, as needed. Such steps may be taken regardless of whether complainant wishes to pursue the complaint. WSU may impose a "no-contact" order, which typically includes a directive that the parties refrain from having contact with one another. Other interim measures include, but are not limited to, altering the academic, WSU housing, and/or WSU employment arrangements of the parties. When taking such steps, WSU seeks to minimize unnecessary or unreasonable burdens on either party; however, every reasonable effort is made to allow the complainant to continue in his or her academic, WSU housing, and/or WSU employment arrangements. Violations of such protective measures may lead to disciplinary action.
- **Participation of Parties.** When appropriate, WSU seeks the consent of the complainant to proceed with an investigation but informs each complainant that alleged violations of this policy may be investigated regardless of consent. If any party or witness declines to participate in an investigation, WSU continues the investigation to the extent possible. WSU, as an employer, expects all employees to participate and cooperate with all investigations.
- **Investigation Process.** The complainant and the respondent are given the opportunity to provide information and evidence to the investigator, including names of witnesses. The parties are also given the opportunity to provide oral and written statements. Except in extraordinary circumstances, both parties are given written notice of the outcome of the investigation, an opportunity to respond, and an opportunity to appeal. For cases in which the respondent/accused is a student, the opportunity to appeal is provided through the student conduct process. For other cases, the opportunity to appeal is provided through the Office for Equal Opportunity's procedural guidelines.
- **Standard of Proof.** WSU uses a "preponderance of the evidence" legal standard to evaluate allegations of violations of this policy, which means it is "more likely than not" that the behavior or incident in the complaint occurred.
- **Timeframes.** The Office for Equal Opportunity seeks to complete all investigations promptly after receipt of a complaint. An investigation of sexual assault, sexual misconduct, or domestic violence is completed within 60 calendar days unless there is good cause to extend that time frame.

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## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

### Enforcement and Disciplinary Sanctions

The University vigorously enforces this policy. Persons determined to have violated this policy are subject to sanctions imposed using the due process protections of applicable University policies and handbooks (e.g., the *WSU Faculty Manual*, the *Administrative Professional Handbook*, WAC 357-40 (civil service employees), applicable collective bargaining agreements, or the *WSU Standards of Conduct for Students*, WAC 504-26). The chosen sanction is to be adequately and appropriately severe to prevent future offenses. The sanctions that are imposed, or other actions taken, are reported to the Office for Equal Opportunity by the administrator who imposes the sanctions.

### Malicious or Frivolous Allegations Prohibited

The University disciplines members of the University community who knowingly make false or frivolous allegations of discrimination, sexual harassment, or sexual misconduct. No complaint is considered malicious or frivolous solely because it cannot be corroborated.

**Office for Equal Opportunity**  
French Administration, Room 225  
Pullman, WA 99164-1022  
509-335-8288  
<http://www.oeo.wsu.edu>

### RESOURCES

Other resources may also help in the resolution of reports of discriminatory or sexual harassment behaviors.

### WSU Title IX Coordinator, Co-Coordinators, and Liaisons:

**WSU Title IX Coordinator:**  
**Kimberly Anderson**  
Lead Coordinator and  
Interim Director of Office for Equal Opportunity  
French Ad 225  
[anderson34@wsu.edu](mailto:anderson34@wsu.edu)  
509-335-8288

**WSU Title IX Co-Coordinators and Liaisons:**  
For the list of current Title IX Co-Coordinators  
and campus Liaisons, see the OEO website:  
<http://www.oeo.wsu.edu>

### Internal, Local, State, and Federal Resources:

**WSU Pullman—Employee Assistance Program**  
Washington Building, Room G60  
Pullman, WA 99164-2302  
509-335-1744  
<http://www.eap.wsu.edu/>

**Washington Department of Personnel**  
**Employee Assistance Program**  
(For employees at all WSU locations):  
1-877-313-4455 (toll free)  
<http://www.dop.wa.gov/EAP/>



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## Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

### Internal, Local, State, and Federal Resources (cont.):

**WSU Pullman—Counseling and Testing Services**

280 Lighty Student Services  
Pullman, WA 99164-1065  
509-335-4511  
<http://counsel.wsu.edu/>

**WSU Tri-Cities—Counseling Services**

Tri-Cities West Building 269 E  
Richland, WA 99354  
509-372-7153  
<http://www.tricity.wsu.edu/counseling/>

**WSU Pullman—Health and Wellness Services**

Washington Building  
Pullman, WA 99164-2302  
509-335-3575  
[hws@wsu.edu](mailto:hws@wsu.edu)

**Human Resource Services**

French Administration, Room 139  
Pullman, WA 99164-1014  
509-335-4521  
<http://www.hrs.wsu.edu/>

**WSU Police**

Public Safety Building  
Pullman, WA 99164-7300  
509-335-8548  
For Emergencies: Dial 911

**WSU Spokane—Counseling Services**

Academic Center 145C  
Spokane, WA 99210-1495  
509-358-7740  
[severing@wsu.edu](mailto:severing@wsu.edu)

**WSU Vancouver—Counseling Services**

Student Services Center, rooms 111 & 113  
Vancouver, WA, USA 98686-9600  
360-546-9238  
<http://studentaffairs.vancouver.wsu.edu/counseling-services>

**Health and Wellness Services**

(For students at all WSU locations)  
24 Hour Consulting Nurse: 509- 335-3575

**Regional Human Resource Services**

Spokane: 509-358-7740  
Tri-Cities: 509-372-7302  
Vancouver: 360-546-9587

**University Ombudsman**

Wilson-Short Hall, Room 2  
Pullman, WA 99164-4002  
509-335-1195  
<http://ombudsman.wsu.edu>  
(Serving all campuses)

**Alternatives to Violence of the Palouse, Inc.**

24 hour crisis line: 1-877-334-2887 or 208-883-HELP or 509-332-HELP. Collect crisis calls accepted.

**Pullman, WA Office**

1125 NW Nye, Suite A  
PO Box 37  
Pullman, WA 99163  
509-332-0552; Fax: 509-332-3314  
[Home@atvp.org](mailto:Home@atvp.org)

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**Policy Prohibiting Discrimination, Sexual Harassment, and  
Sexual Misconduct**

**Internal, Local, State, and Federal Resources (cont.):**

**U.S. Dept. of Education, Office for Civil Rights**  
Federal Office Building  
915 Second Ave Room 3310  
Seattle, WA 98174-1099  
<http://www.ed.gov/oci/>

**U.S. Equal Employment Opportunity Commission**  
Federal Office Building,  
909 First Ave Suite 400  
Seattle, WA 98104-1061  
<http://www.eeoc.gov/>

**Washington State Human Rights Commission**

**Olympia Headquarters Office**  
711 South Capitol Way, #402  
PO Box 42490  
Olympia, WA 98504-2490  
360-753-6770

**Seattle District Office**  
Melbourne Tower #921  
1511 Third Ave.  
Seattle, WA 98101-1626  
206-464-6500

**Spokane District Office**  
Rock Point Plaza III  
1330 North Washington St, Suite 2460  
Spokane WA 99201  
509-568-3196

The following resources are available on campus and in the local community:

In most instances, care providers from the following resources can talk with you confidentially discuss your situation with you:

**WSU Health and Wellness Services (HWS):** HWS offers a range of health services for students. You may contact this office at 509-335-3575. For additional information, visit [hws.wsu.edu](http://hws.wsu.edu).

**WSU Counseling and Testing Services:** WSU Counseling and Testing Services provides confidential and private counseling and can provide information about referrals and options, including helping you to access services related to academics, housing, transportation, and medication referrals. You may contact this office at 509-335-4511. For additional information, visit [counsel.wsu.edu](http://counsel.wsu.edu).

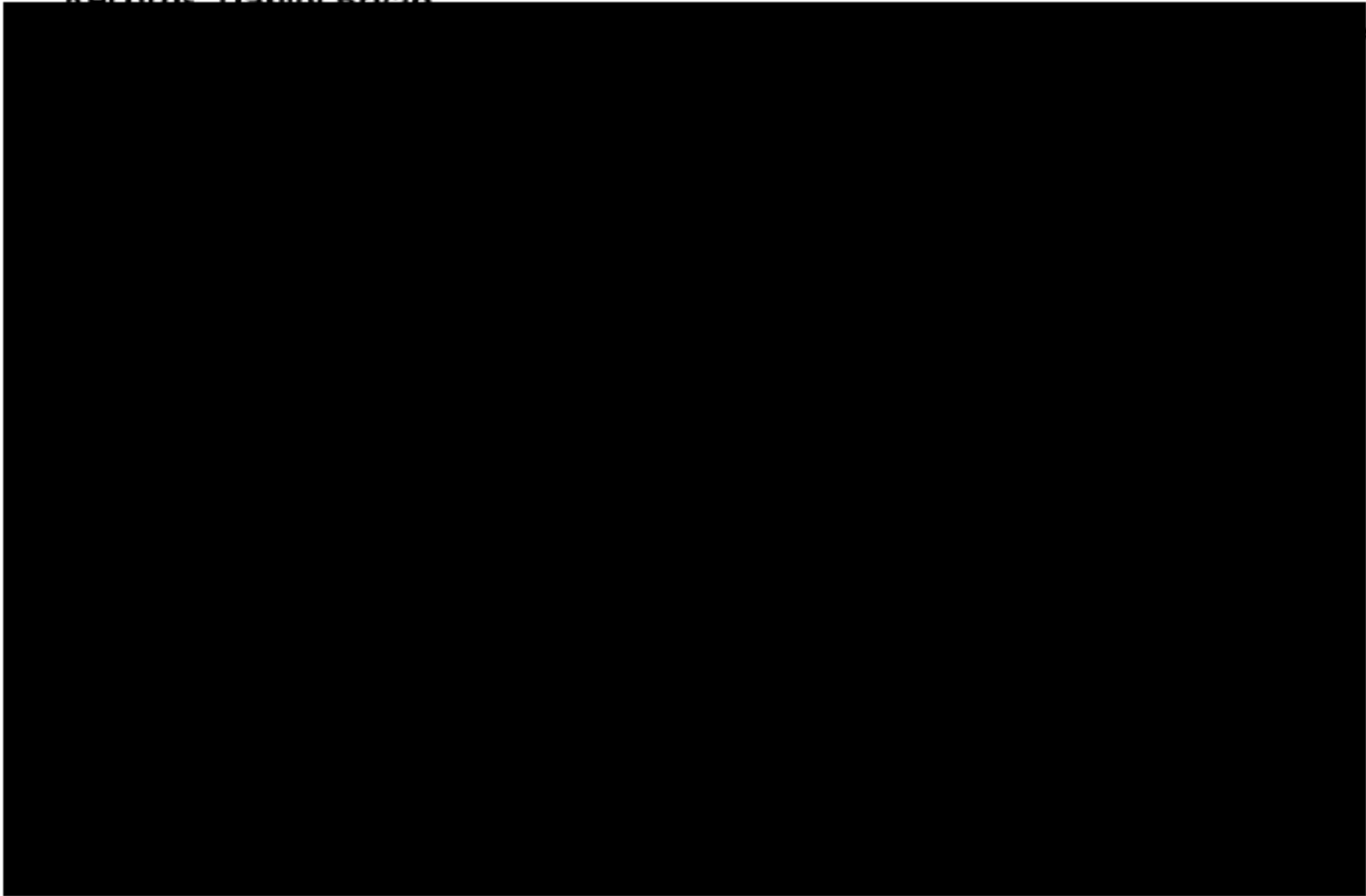
The following WSU offices will share information about your situation with others only on a need-to-know basis, but cannot guarantee confidentiality, as a matter of law:

**Dean of Students:** The Dean of Students' Office can assist you in coordinating resources and support, such as changes in classes or your schedule. This office also can help you resolve housing issues, notify faculty if you will be leaving campus for a short time, and assist you with other challenges you may encounter. You may contact the office at 509-335-5757. For additional information, visit [deanofstudents.wsu.edu](http://deanofstudents.wsu.edu).

**Office of Student Standards and Accountability (OSSA):** OSSA works closely with OEO on student conduct cases involving discrimination, sexual harassment, and sexual misconduct. OSSA participates in preliminary investigative meetings and addresses any disciplinary action, as appropriate, after the preliminary investigation is complete. OSSA also administrates the student conduct system, including conduct officer and conduct board hearings, and may impose sanctions on students if they are found to have violated WSU's Standards of Conduct for Students. You may contact OSSA at 509-335-4532. For information about OSSA's processes and the Standards of Conduct, visit [standards.wsu.edu](http://standards.wsu.edu).

**OEO:** This office works closely with OSSA on student conduct cases involving discrimination, sexual harassment, and sexual misconduct. OEO conducts preliminary investigations, makes findings of fact, determines whether the WSU Policy Prohibiting Discrimination and Sexual Harassment was violated, and makes recommendations to OSSA about further disciplinary actions. OEO also can provide you contact information to file a complaint with state and/or federal agencies. You may contact OEO at 509-335-8288. For information about OEO's processes, visit [oio.wsu.edu](http://oio.wsu.edu).

**Student Legal Services:** WSU's student government, Associated Students of WSU, has a Student Legal Services office that may be available for consultation or referral to a local attorney. You may contact this office at 509-335-9539.



Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 31, 2014 at 10:49:02 PM PST  
**To:** "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**Cc:** [REDACTED] "Jussel, Adam B" <[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)>  
**Subject:** Re: WSU Office for Equal Opportunity 2014-018

Thank you for the letter explaining everything. I just wanted you to let you both know that the complainant made me aware early last week that we have a class together. I have not yet seen him in the class but felt you both should know for future reference.

[REDACTED]

Sent from my iPhone

On Jan 31, 2014, at 5:53 PM, "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)> wrote:

Dear Ms. [REDACTED]

Please see the attached letter. Someone from my office will contact you soon to schedule an interview.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)

<20140131174123607.pdf>

<EP 15 2014.pdf>

<R Resources - WSU Pullman.pdf>

**Records, Daniel Bryan**

---

**From:** Anderson, Kimberly  
**Sent:** Monday, February 03, 2014 8:25 AM  
**To:** Records, Daniel Bryan  
**Subject:** FW: WSU Office for Equal Opportunity 2014-018

**From:** Anderson, Kimberly  
**Sent:** Friday, January 31, 2014 7:24 PM  
**To:** Huskey, Melynda  
**Subject:** Re: WSU Office for Equal Opportunity 2014-018

Super! Thank you!!

-Kim

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Washington State University  
509-335-8288

On Jan 31, 2014, at 7:16 PM, "Huskey, Melynda" <[melyndah@wsu.edu](mailto:melyndah@wsu.edu)> wrote:

We'll work on it on Monday! Thanks, Kimberly.

M.

Sent from my iPad

On Jan 31, 2014, at 6:22 PM, "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)> wrote:

Hi [REDACTED]

[REDACTED] is currently in the same criminal justice class [REDACTED] with Ms. [REDACTED]. He would like to explore options so that he won't encounter her there. Can you or one of yours assist with this? Let me know if I can provide any additional info.

Thanks so much!!

- Kim

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Washington State University  
509-335-8288

Begin forwarded message:

**From:** "Anderson, Kimberly" <[anderson34@wsu.edu](mailto:anderson34@wsu.edu)>  
**To:** "Huskey, Melynda" <[melyndah@wsu.edu](mailto:melyndah@wsu.edu)>, "Fraire, John" <[jfraire@wsu.edu](mailto:jfraire@wsu.edu)>  
**Subject:** FW: WSU Office for Equal Opportunity 2014-018

From: Anderson, Kimberly  
Sent: Friday, January 31, 2014 5:53 PM  
To: [REDACTED]  
Cc: Jussel, Adam B  
Subject: WSU Office for Equal Opportunity 2014-018

Dear Ms. [REDACTED]

Please see the attached letter. Someone from my office will contact you soon to schedule an interview.

Regards.

Kimberly D. Anderson  
Interim Director  
Office for Equal Opportunity  
Title IX Coordinator  
Washington State University  
Phone: 509-335-8288  
Fax: 509-335-5483  
[www.oeo.wsu.edu](http://www.oeo.wsu.edu)<<http://www.oeo.wsu.edu/>>  
<20140131174123607.pdf>  
<EP 15 2014.pdf>  
<R Resources - WSU Pullman.pdf>



January 31, 2014

*via Electronic Mail*

Ms. [REDACTED]  
Washington State University

Dear Ms. [REDACTED]:

This message is official notice to you that the Washington State University (WSU) Office for Equal Opportunity (OEO) has opened an investigation in response to information this office received today, from [REDACTED] (the Complainant), a male WSU undergraduate student. Specifically, the Complainant alleged that on or about the night of January 25, 2014, you subjected him to unwanted, non-consensual sexual contact. The Complainant has alleged that he was unable to consent to sexual contact because of severe alcohol intoxication.

It is my understanding that the Complainant does not want you to contact him further. **Do not attempt to contact the Complainant or anyone involved in the alleged incident directly, through a third party, or through any other means.**

University Policy and Process

These allegations implicate the WSU Policy Prohibiting Discrimination and Sexual Harassment, Executive Policy #15 (EP 15, see attached copy), and warrant this investigation. OEO's role in this matter is solely that of neutral finder of fact. We intend to interview you and other relevant individuals. OEO will gather and consider relevant information, which may include statements and documents. OEO will conduct the investigation jointly with a representative of WSU's Office of Student Standards and Accountability (OSSA) who will determine whether provisions of the WSU Standards of Conduct for Students are implicated.

OEO will make every effort to carry out a prompt and effective investigation. If you know of any witnesses you believe OEO should interview, please provide us with a list as soon as possible. Also, include a brief description of the information you believe each witness can provide. OEO investigators will interview those witnesses OEO determines may have relevant information. Also, please provide this office all records and documents in your possession or control that are relevant to this matter.

We are aware that you may need to interact with some potential witnesses in the performance of your educational and other activities at WSU. However, you should not attempt to influence potential witnesses or alter or destroy any records related to the events being investigated.

WSU expects you to cooperate in all phases of the investigation and ensuing actions. You are prohibited from engaging in any form of retaliation against the Complainant or any other person participating in, or whom you believe will participate in the investigation. Any adverse action against the interests of any such individuals, which is found to be retaliatory, will comprise a separate and distinct violation of EP 15, as well as other WSU policies, including the Standards of Conduct for Students. You should regard the interests of anyone who cooperates in OEO's investigation as broadly defined, including their personal and professional reputations.

After the investigation is complete, OEO will issue an investigative memorandum with factual findings, a conclusion with respect to whether EP 15 was violated, and a recommendation to OSSA as to whether further proceedings are warranted. OSSA will provide this memorandum to the University Conduct Board if the matter proceeds. A copy of this memorandum will also be provided to you and the Complainant with student names redacted to protect student privacy.

I would like to schedule a time for you to speak with me and Mr. Adam Jussel, Director of OSSA (copied on this email), as soon as possible; I will contact you soon to schedule a time. I encourage you to provide a written response to these allegations; however, a written response is not mandatory. Please see the attached list of resources that may be available to you. Please contact me if you have any questions.

Sincerely,



Kimberly D. Anderson  
Interim Director

Enc: List of Resources  
EP 15

## Jussel, Adam B

---

**From:** [REDACTED]  
**Sent:** Thursday, January 30, 2014 12:54 PM  
**To:** [REDACTED] Jussel, Adam B  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]

**Categories:** Today

Hi all,

I met with [REDACTED] around 11:00, but was limited in being able to answer her questions with the details that she was seeking. Her two primary questions were "Why/What is this situation?" and "Timeline?".

We discussed that this must be frustrating for her but that at this time I could not give her any more detail on the "Why" other than that we received a report which alleges that she may be in violation of the code of conduct. (I did reiterate the language about interim move several times). I told her that the report was still being reviewed and once that is finished an investigation may begin. (There was no discussion of what those circumstances might be.)

I did update her that she will not be trespassed from Southside dining so that she can continue her employment with them. I also clarified that she could return to [REDACTED] hall to collect her mail with an advance appointment with an RED. She had one other housing issue that we also resolved (a card not working---which I learned was working, but the elevator reader she was using is a little finicky and requires a few attempts).

[REDACTED] was contacting her this morning to get her access to the medicines she left behind last night. Aubrie is also updated on some of her general demeanor (feeling like no one is in her corner and has no one to support her), so Aubrie will coordinate some outreach with her today and has a scheduled time with her already for tomorrow. She asked several questions about whether or not she could talk with Aubrie about things. I told her that she could (and told Aubrie to talk with Adam about what role she would have with this case).

I advised her that from a timeline perspective that I would anticipate a minimum of 3 weeks (could be longer) of living in [REDACTED]. She seemed to need some guidance on how much she should be moving over, so I figured that length of time would at least help her pack sufficiently for a while.

I wanted to update all of you as I know she is visiting all of our offices and I suspect will have more questions for all of us. Do we know when she might be informed about "why"? She was asking if there was even a timeline for that.

Adam- 2 other issues came up that you might need to know.

- 1) She wanted to know what our parental notification policies were. She knows they can be contacted for drug and alcohol incidents but did not know if there were other reasons. I told her that my understand of FERPA is that there are a few other exceptions but that she would need to contact OSSA to get a better answer.
- 2) She is scheduled to do a faculty-led study abroad trip for spring break. She is worried this will impact her ability to go...and that she has already paid the \$4000+ dollars that would be non-refundable. Any insight on this one?

Thanks all,

[REDACTED]

Associate Director, Residence Life

**Anderson, Kimberly**

---

**From:** Jussel, Adam B  
**Sent:** Wednesday, January 29, 2014 12:54 PM  
**To:** Anderson, Kimberly; Huskey, Melynda  
**Subject:** Fwd: 2 updates

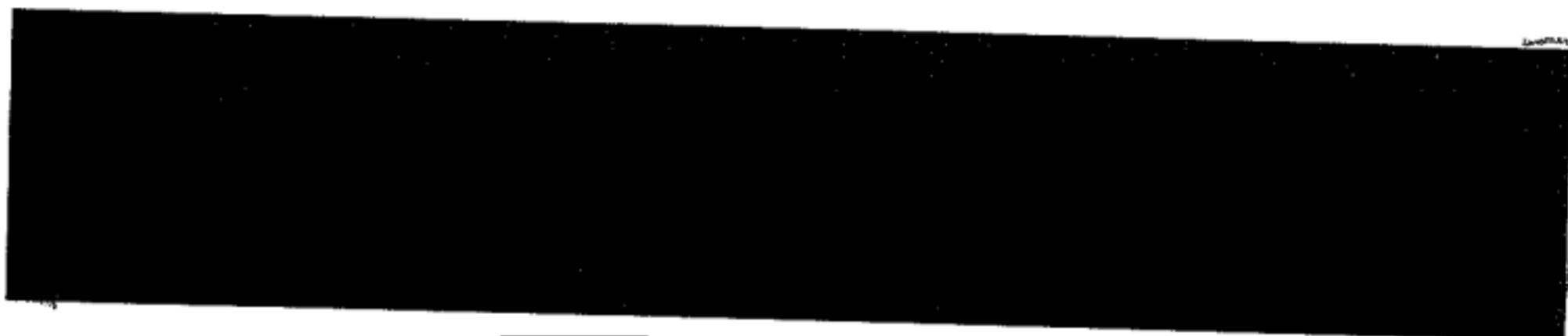
See the end of this message for info regarding [REDACTED]. Any thoughts?

Adam

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 29, 2014 at 12:34:18 PM PST  
**To:** "Jussel, Adam B" <[adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu)>  
**Subject:** 2 updates

Hi Adam,



Also, there is an incident report [REDACTED] that came in this morning regarding a sexual assault in Olympia hall. (It was reported Monday night to us and then immediately to Melynda, but the incident report needed some revisions before submission- hence it's delayed arrival.) We are going to temporarily relocate the accused student since both are residents of the same floor.

Matthew, the RED, will be meeting with her sometime later today to deliver our relocation letter. To our knowledge, the accused student does not know that she has been accused. Our plan is to give her very little information about the allegation itself but to inform her that we have received a report of her involvement in an instance of sexual misconduct.

Do you have any concerns with us sharing that brief piece of information along with the move notice?

What a week.

Thanks,



Associate Director, Residence Life  
Washington State University  
PO Box 641724  
Pullman, WA 99164-1724  
(509) 335-8775

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**Anderson, Kimberly**

---

**From:** Jussel, Adam B  
**Sent:** Wednesday, January 29, 2014 10:50 AM  
**To:** Huskey, Melynda; Anderson, Kimberly  
**Subject:** RE: Title IX report

Here is the IR

On January 27, 2014 RA [REDACTED] was talking with residents of [REDACTED] Residence hall when she heard a story from the past Saturday night (January 25, 2014). [REDACTED] was drinking with floor mates and decided to go to the hallway. Floor mates [REDACTED] and [REDACTED] noticed [REDACTED] was missing and went to look for them. [REDACTED] and [REDACTED] found [REDACTED] in [REDACTED] room [REDACTED] and realized that [REDACTED] was extremely intoxicated and [REDACTED] was not [REDACTED] tried to get [REDACTED] to leave [REDACTED] room; however, [REDACTED] came to the door and pushed [REDACTED] away stating, "Don't ruin this for me." [REDACTED] came back to the door to try to convince [REDACTED] to leave again, and [REDACTED] answered the door with a condom on his penis. [REDACTED] told [REDACTED] and [REDACTED] to leave and [REDACTED] told [REDACTED] "You could get in trouble- He doesn't know what's going on. This could be rape." [REDACTED] tried to leave the room stating that he needed to check on his friends, but [REDACTED] would not let him leave. Eventually, [REDACTED] left the room and went to [REDACTED] room [REDACTED] and [REDACTED] went to find him. When [REDACTED] told [REDACTED] that [REDACTED] was not in there [REDACTED] tried to lure [REDACTED] back into her room by saying that she could hear him in [REDACTED] room and he needed to come back to [REDACTED] room to get his cougar card. [REDACTED] told [REDACTED] that [REDACTED] already had his cougar card and that she was going to bed. The next morning (Sunday January 26, 2014) [REDACTED] woke up feeling confused and not remembering the night before. [REDACTED] did mention that he felt that [REDACTED] had been bothering him via texting and Facebook and had blocked her phone number the next day. Once [REDACTED] heard this story, she asked [REDACTED] if he had felt sexually assaulted, explaining to him that all sexual assaults must be reported, and [REDACTED] said he did feel taken advantage of. [REDACTED] met with RED Matthew Jeffries, and explained the story to him. RED Jeffries called the C-Staff member on duty and [REDACTED] and RED Jeffries met with [REDACTED] RED Jeffries went through the process that typically takes place in a sexual assault report and [REDACTED] told RED Jeffries what had happened. [REDACTED] was given another room to stay in if he felt unsafe and will be followed up on by both [REDACTED] and RED Jeffries.

Adam Jussel | Director, Student Standards and Accountability Washington State University | Lighty  
260 [adam.jussel@wsu.edu](mailto:adam.jussel@wsu.edu) | 509-335-9745 | [conduct.wsu.edu](http://conduct.wsu.edu)

-----Original Message-----

**From:** Huskey, Melynda  
**Sent:** Monday, January 27, 2014 6:44 PM  
**To:** Jussel, Adam B; Anderson, Kimberly  
**Subject:** Title IX report

[REDACTED] has just reported to me a possible Title IX violation which occurred over the weekend. Complainant is [REDACTED] resident of [REDACTED]. Respondant is [REDACTED] also resident of [REDACTED]. Incident was reported by a witness, who

tried to intervene; [REDACTED] was intoxicated, and doesn't remember much of the incident, according to the witness. Odyssey report will be forthcoming.

M.

Sent from my iPhone





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ID: [REDACTED] \* 

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[Initiated Checklists](#)

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[Email Addresses](#)

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Service Indicators [edit service indicators](#)



Initiated Checklists

No initiated checklists found. [Go to top](#)

Student Groups

No student groups found. [Go to top](#)

Personal Data [edit personal data](#)

Campus ID: [REDACTED]  
 Date of Birth: 05/20/1995  
 Gender: Female  
 Marital Status: Unknown

[Go to top](#)

National ID [edit national ids](#)

Country	National ID Type	National ID	Primary NID
USA	Social Security Number	*****	<input checked="" type="checkbox"/>

[Go to top](#)

Names [edit names](#)

Name Type	Display Name	Status
DL Loan	[REDACTED]	Active as of 2013-10-09 Active as of 2013-02-01

[Go to top](#)

Addresses [edit addresses](#)

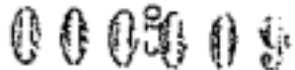
Address Type	Address	Status
Campus	[REDACTED]	Active as of 2014-02-01
Home	[REDACTED]	Active as of 2014-01-15
ISIR	[REDACTED]	Active as of 2013-07-31
Mailing	[REDACTED]	Active as of 2014-01-15

[Go to top](#)

Phones [edit phones](#)

Phone Type	Phone Number	Extension	Preferred
Home	[REDACTED]		<input type="checkbox"/>
Mobile or Cell	[REDACTED]		<input checked="" type="checkbox"/>

[Go to top](#)



800000

Email Addresses

[edit email addresses](#)

Email Type	Email Address	Preferred
Official		<input type="checkbox"/>
Personal		<input checked="" type="checkbox"/>

[go to top](#)

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ID: [REDACTED]

- student center
- general info
- admissions
- transfer credit
- academics
- finances
- financial aid

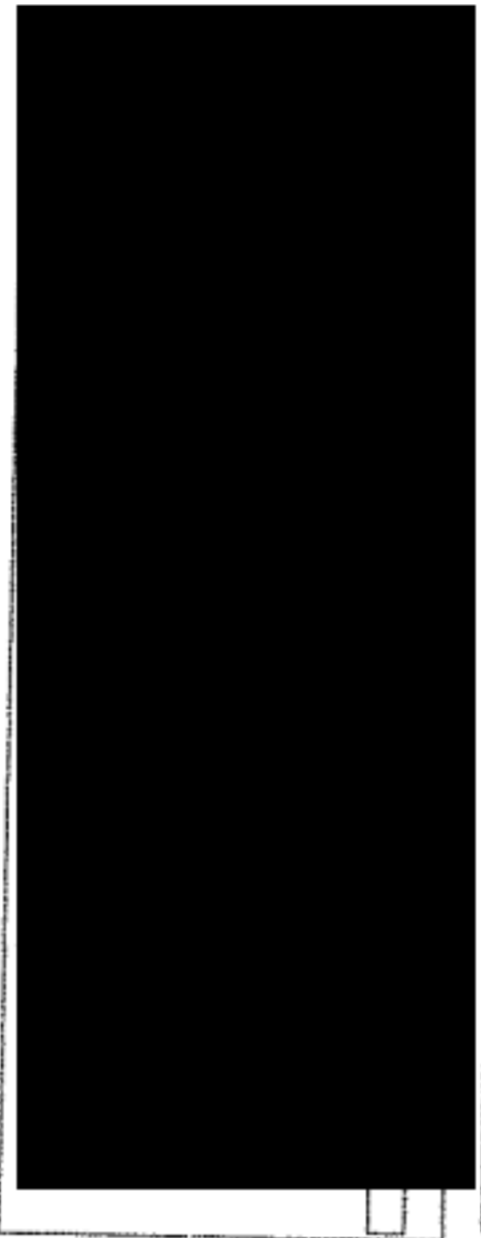
Institution / Career / Application Nbr / Program edit application data

WSUWV - Washington State University  
 USRD - Undergraduate  
 00051657  
 P0000 - Non-certified

Application Nbr: [REDACTED]  
 Program Nbr: 0  
 Program Status: Active as of 03/21  
 Program: P0000 Non-certifk  
 Plan: P0000\_0760 Pre-Law

Last School Attended: Mount Tahoma HS  
 City: 1Tacoma  
 State: WA  
 Graduation Date: 06/13/2013  
 Financial Aid Interest:   
 Housing Interests:

No recruiters associated with this application.



External Education edit education data

- . 011277496 - WSU Admissions Statistics
- . 011284271 - Mount Tahoma HS
- . 011284375 - Tacoma CC

Test Summary edit student tests

\*\*\* You are not authorized to view the remaining test data. \*\*\*

You have no access to this information.

Student Center General Info Admissions Transfer Credit Academics Finances Financial Aid

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[View Transfer Interactive Transcripts](#)

Course Credits

Model Statistics

Source	Career	Institution	Program	Articulation Term	Model Status
Tacoma CC	Undergraduate	Washington State University	Non-certified	2013 Fall Semester	Posted

Test Credits

No test credits found.

Other Credits

No other credits found.

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900000

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**Institution / Career / Program** edit program data

WSUNV - Washington State University  
 UGRD - Undergraduate  
**P0000 - Non-Certified**

Program: P0000 Non-certified  
 Student Career Nbr: 0  
 Status: Active as of 06/14/2013  
 Admit Term: 2137 2013 Fall Semester  
 Expected Graduation:  
 Approved Load: Full-Time  
 Load Determination: Base On Units  
 Level Determination: Base On Units

Plan: P0000\_0280 Criminal Justice  
 Requirement Term: 2137 2013 Fall Semester

**Term Summary** edit term data

WSUNV - Washington State University  
 UGRD - Undergraduate  
**2143 - 2014 Spring Semester**  
 2137 - 2013 Fall Semester

**2014 Spring Semester**

Eligible to Enroll: Yes  
 Primary Program: P0000 Non-certified  
 Academic Standing Status: Data unavailable

**Level / Load**

Academic Level - Projected: Sophomore  
 Academic Level - Term Start: Sophomore  
 Academic Level - Term End: Sophomore  
 Approved Academic Load: Full-Time  
 Academic Load: Enrolled Full-Time

Classes

Enrolled
  Dropped
  Wait Listed

**Statistics**

<b>2014 Spring Semester</b>	<b>From Enrollment</b>	<b>Combined Term Total</b>
Units Toward GPA:		
Taken		
Passed		
In Progress	21,000	21,000
Units Not for GPA:		
Taken		
Passed		
In Progress		
Transfer Units		
<b>GPA Calculation</b>		
Total Grade Points		
/ Units Taken Toward GPA		
= GPA		

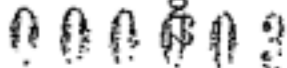
**Term History**

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[Redacted] ID: [Redacted]

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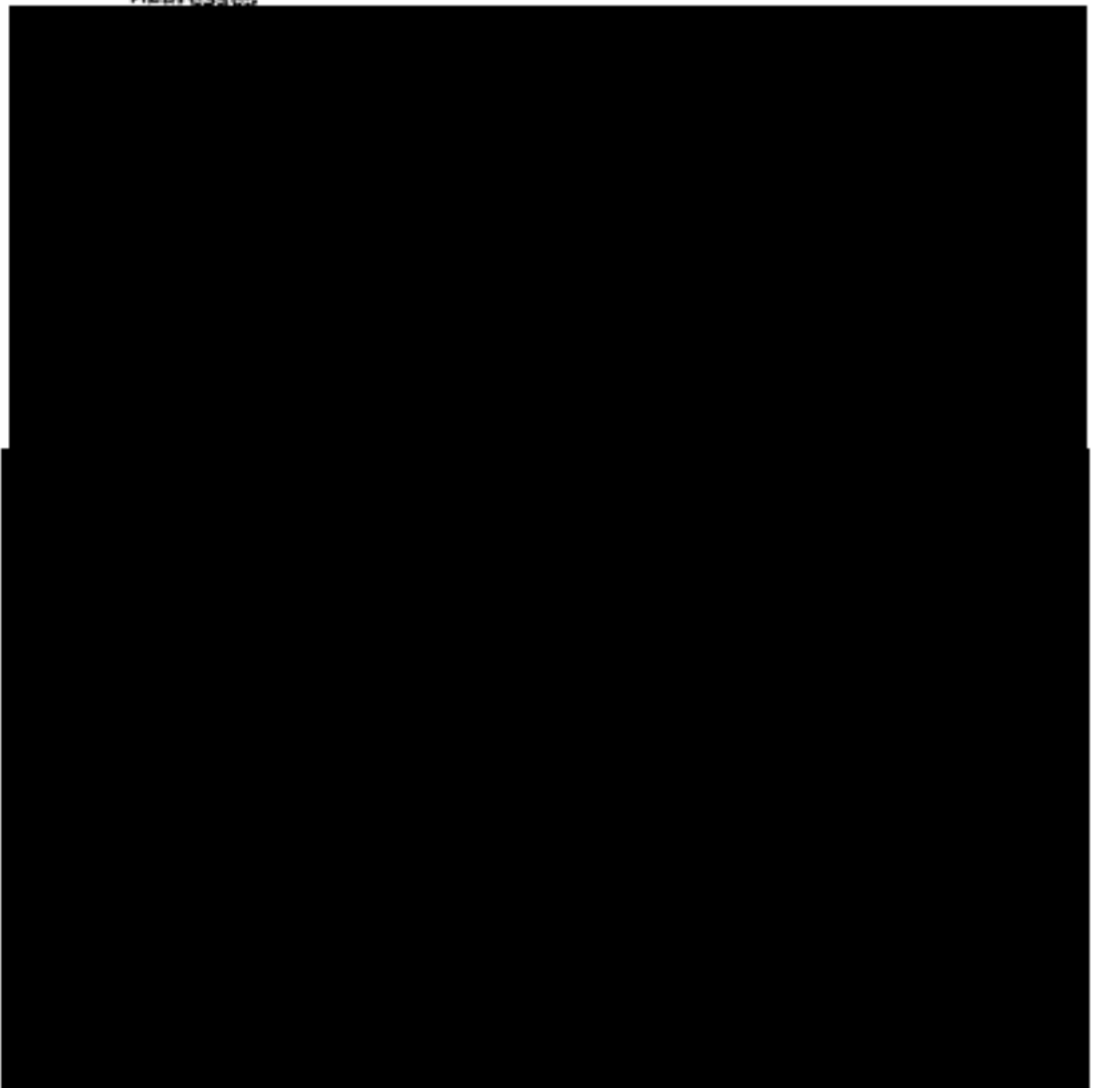
<a href="#">Service Indicators</a>	<a href="#">Initiated Checklists</a>	
<a href="#">Student Groups</a>	<a href="#">Personal Data</a>	
<a href="#">National ID</a>	<a href="#">Names</a>	Go to All
<a href="#">Addresses</a>	<a href="#">Phones</a>	
<a href="#">Email Addresses</a>		Expand All

- Service Indicators [edit service indicators](#)
- Initiated Checklists
- Student Groups
- Personal Data

Campus ID: [Redacted]  
 Date of Birth: 05/20/1995  
 Gender: Female  
 Marital Status: Unknown

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- National ID
- Names
- Addresses



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