CONFIDENTIAL SEXUAL ASSAULT REPORT
(to be viewed only by the Gordon College Title IX Coordinator and personnel directly involved with investigating or adjudicating this incident).

Submitted by: Glenn Deckert (chief of police and sexual assault investigator)
Date of Report: May 15, 2014
Date of Incident: November 26, 2013 and December (date unknown) 2013.
Nature: Past incidents (2) of sexual assault

Complainant Information:
Marianthy Posadas-Nava (ID #[redacted])
[redacted]
cell phone: [redacted] SS: [redacted]

Alleged Assailant Information:
[redacted] (ID #[redacted])
[redacted]
home phone: [redacted]
DOB: [redacted] SS: [redacted]

Narrative of initial report (May 15, 2014):

On Sunday, May 11, 2014, officer Andrew Giebel called to inform me that a student had contacted him to report a past sexual assault that had allegedly occurred on campus during the fall semester of 2013. As Ofc. Gelbel is a trained sexual assault investigator for our department, he took an initial report from the complainant, student Marianthy Posadas-Nava. Ofc. Giebel related that he had informed Marianthy of her rights and options (including criminal charges, campus judicial charges, and/or assistance with application for a restraining order). He said that she expressed interested in possibly pursuing criminal charges, but was still thinking about this.

I informed Ofc. Giebel that I would communicate with Nancy Anderson, Title IX Coordinator, and make her aware of the report. After consultation with Anderson on May 14, 2014, she asked me to conduct a Title IX investigation, separate from Ofc. Giebel's criminal investigation. I contacted Marianthy, and she agreed to meet with me on May 15, 2014.

I met with Marianthy at 1730 hours on Thursday, May 15, 2014 in the ready room at our office in the Rodger Reception Center. Marianthy brought fellow student [redacted] for support. I asked Marianthy to tell me about the incident(s) in her own words, after which I would ask follow-up questions.

Marianthy related that on the Monday before Thanksgiving 2013 school break (this would have been November 25, 2013) she left campus at about 1330 hours to go to [redacted] in Beverly, MA with fellow student [redacted], who she

described as a platonic friend at that time. They spent most of the day there, talking and studying, and left at about 2000 hours, returning to campus in Marianthy's car. They talked in the car until about 2300 hours, after which they studied together in Gillies Lounge in Lane Student Center. When Gillies closed (at about 0200) on Tuesday morning, they walked together toward [redacted] (as she was a resident of [redacted] and [redacted] was a resident of [redacted]).

Marianthy related that the entire time they were walking up [redacted], [redacted] kept asking her if she wanted to spend the night with him in his room in [redacted]. [redacted] kept assuring her that they would "just sleep together" and there would be "no sex, no anything." Marianthy refused a number of times, but eventually agreed, and they went to [redacted] apartment ([redacted]). [redacted]. Marianthy related that [redacted]'s roommate, [redacted], was in the room this entire time, but was asleep in his bed (she could hear him snoring).

Marianthy related that she woke up later the same morning when [redacted]'s girlfriend opened the door and entered the room. She related that [redacted] turned on loud music (which he was able to do without leaving the bed, using a remote control). Marianthy saw [redacted]'s girlfriend get into his bed and they were both under the covers; it appeared to her that they were "making out."

For a period of time (she thought it might have been 30-40 minutes), they were in bed together, "waking up," while [redacted] and [redacted] took turns choosing the next song to play and [redacted] and his girlfriend appeared to continue their activity under the covers. At some point, [redacted] suddenly got on top of her and began kissing her. [redacted] then suddenly inserted his penis into her vagina, using his hand to push her underwear to one side (it remained on). Marianthy said that she immediately said "No!" and repeated it multiple times while she pushed with her arms and attempted to get [redacted] off of her. She remembers that her arms had been around [redacted]'s next when they were kissing, but the moment he penetrated her, she pulled her arms to her chest with her wrists crossed and began to push against his chest with both arms while saying, "No!" repeatedly.

Marianthy said she was unable to push [redacted] off because he was "much stronger and a lot bigger" than her. She related that [redacted] continued penetrating her for 15-20 seconds while she continued to say, "No," after which he suddenly withdrew his penis from her vagina. She related that he then held her face with his hands and repeated several times, "I'm sorry, I'm sorry," after which he rolled off of her. She said that she does not believe [redacted] had an orgasm. Marianthy then got out of the bed, got dressed and immediately left. She related that she looked at her phone around this time and remembers that it was about 1100.

Marianthy remembers that [redacted]'s girlfriend left the room prior to when Marianthy got dressed and left, but she was unsure when the girlfriend (name unknown) left. Marianthy is not sure whether it was before or after the alleged assault. She said that she was sure, however, that [redacted] remained in the room the entire time, and that he was there when she was struggling and saying "No;" however, she could not tell whether he was aware of what was going on or not.

Marianthy related that she left later that same day for Thanksgiving break. She said that [redacted] called her multiple times that day; she picked up once and said, "I don't want to talk."

While she was away on break, she sent a text message to her friend, [redacted] (who was in [redacted]), and told her what had happened. In a series of text messages, she told [redacted] that she had showered with [redacted] and was ashamed of having done that and that the next morning he "rolled over a raped me." Marianthy related that she no longer has those text messages on her phone, but she has asked [redacted] to see if she can recover them.

Marianthy got together with [redacted] upon her return on Sunday, December 1, and told him that she was not okay with what he had done. At this time, she remembers that [redacted] cried and said that he was sorry.

Over the next [redacted], [redacted] told Marianthy that he wanted to be in a relationship with her. She initially told him that she did not want to do this. She related that she had an anxiety attack at one point as a result of the stress of not wanting to be in a relationship with him. She related that [redacted] was persistent and told her that he "would fight for her." Eventually, she relented and agreed to be in a romantic relationship with him. They persisted in this until [redacted], at which point he asked her for a "break" in the relationship. They had sporadic contact between [redacted], but did not resume romantic or intimate contact.

At some point in [redacted], Marianthy became friends with [redacted]. During one conversation, when Marianthy shared that she had dated [redacted] from [redacted] through [redacted], [redacted] told her that she was aware that [redacted] had been involved with other women during that time. This prompted Marianthy to contact [redacted] and inform him that she wanted to finally end their relationship once and for all.

Marianthy related that she attended a sexual assault program sponsored by the college women's ministry at some point in [redacted], at which point she started to more clearly understand that [redacted] had actually sexually assaulted her. She talked with her roommate, [redacted], around this time and shared with her what [redacted] had done at the start of their relationship. She also related that during the weekend of [redacted], she learned that [redacted] may have sexually assaulted

other Gordon College women, which prompted her to finally report this incident to the campus police.

I asked Marianthy if there were other times while they were in a relationship that [redacted] forced himself on her in any way. She first explained that during their entire relationship, [redacted] "pushed her physical limits" and would intensely pressure her verbally to do various things. She said that after significant verbal pressuring, she would usually relent and consent to the contact or activity (for example, showering again together on multiple occasions).

Marianthy related that on one occasion in [redacted], she and [redacted] were in his room [redacted] and she shared with [redacted] that she had been sexually assaulted in high school, when a man had forced her to perform oral sex. She said that she explained to [redacted] that because of this incident, she had no desire to engage in oral sex with another man. In response to this, [redacted] began to pressure her to perform oral sex on him. She said he told her that if she did so, she would be "safe" and that it would be "healing" for her to perform oral sex on him. She said that she initially said no and "brushed off" his comments.

A short time later, however, Marianthy said that [redacted] grabbed her head with his hand and physically pushed her head down toward his penis, causing her face to make contact with his genitals. This was done without her consent and against her wishes. She said that she had made it clear to him verbally that she was not okay with performing oral sex prior to this and she is confident that he knew she was not consenting to what he was doing when he pushed her head down. However, she said that after he pushed her into this position, she relented and performed oral sex on him.

Marianthy then informed me that she had recently talked with another Gordon student who shared that she had also been sexually assaulted by [redacted]. However, this student expressed concern about reporting the incident, because she was afraid the school would notify her parents. I explained to Marianthy that unless the student is a minor, her report would be confidential, and the report would only be shared as required by law (e.g. the title IX coordinator). Marianthy said that she would speak with this student and encourage her to report.

[redacted] then informed me of another friend of hers, also a Gordon student, who confided in her in February of this year about sexual activity with [redacted]. [redacted] said that the friend didn't initially identify the activity as sexual assault, but when she described the details to [redacted], she clearly indicated that she had not wanted [redacted] to do what he did and had not consented to it. In a subsequent and more recent conversation, [redacted] says this student told her that she has realized that she was raped by [redacted].

[redacted] related that her friend is not yet sure whether she wants to report the incident, but was curious about her options. I explained to [redacted] that her friend

has a number of options, including reporting directly to our title IX coordinator, reporting to our department (which would not require pursuit of criminal charges), reporting to student development, or reporting to the local police. I also encouraged [redacted] to recommend the counseling center as a good option to talk about the incident and get help considering what to do. We also discussed the option of a third-party, anonymous report. [redacted] said she would pass this information along.

I then informed Marianthy of the various options available to her and assured her that we would assist her with whichever option(s) she should choose. We discussed the possibility of a campus judicial charge. I explained that if she chose to proceed with criminal charges, Officer Giebel would assist her and, with her consent, would work together with investigators from the Wenham Police Department. I also informed her that she would qualify for either a harassment prevention order or a domestic restraining order (209A). We also discussed the option of a campus "no contact" order, and I explained that, should she decide to pursue any kind of complaint, the college would do everything in our power to protect her from any retaliation.

Marianthy said that she is seriously considering criminal charges and campus judicial charges, but wants time to think about it and talk with her mother. She said that she would prefer that [redacted] not be contacted until she decides which course of action she would like to take. I informed her that contacting [redacted] as part of the Title IX investigation would ultimately be Nancy Anderson's decision. However, given that classes have ended and [redacted] would be leaving campus in two days, I explained to Marianthy that there appeared to be no compelling public safety urgency that would require contacting [redacted] before she makes her decision.

Finally, I explained that I would be submitting the narrative of our discussion to Nancy Anderson for inclusion in the confidential Title IX investigation file. I assured her that we would contact her before attempting to contact [redacted], but that we would make every effort to delay that contact until she made her decision about how to proceed. She thanked me and we were clear at about 1850 hours.

On May 16, 2014, I spoke with Anderson on the phone and gave a brief summary of the incident. After discussing the lack of an immediate threat to the community ([redacted] would be graduating the next day and leaving campus for the summer; most other students were gone for the summer), we agreed that it was appropriate to respect Marianthy's wishes and wait until she made her decision about charges before attempting to contact [redacted]. I saw Marianthy on campus later the same day and informed her of this. I encouraged her to contact us when she had made her decision or at any time if she had questions or needed our assistance.

END OF NARRATIVE
INV. STATUS AS OF 5/16/2014: OPEN

Investigation Update (June 19, 2014)

On May 22, 2014, I sent the following email message to Marianthy:

> *Hi Marianthy:*
>
> *I'm just touching base to see if you have any questions or have come to any decision. No pressure at all — just wanted to reach out and make sure all is well. I hope you're enjoying the start of summer break!*
>
> *God bless,*
> *Glenn*

Marianthy sent the following reply on May 23:

> *From: Marianthy Posadas-Nava* [redacted]
> *Date: Friday, May 23, 2014 1:34 PM*
> *To: FacStaff MacBook Pro* [redacted]
> *Subject: Re: Touching Base*
>
> *Dear Officer Deckert,*
>
> *Thanks so much for checking in. I am still in the process of praying and talking with my family about what to do. I will write to you when I get back on campus this weekend with what has been decided. Thanks so much for all your help and support, it means a lot.*
>
> *Sincerely,*
> *Marianthy*

On June 13, 2014, Marianthy emailed me to ask if she could meet with Ofc. Giebel and I to further discuss options. We met on Tuesday, June 17 at our office.

Marianthy related that she has been praying and discussing matters with her family; at this point, she is unsure whether she wants to pursue criminal charges and is leaning toward campus judicial charges. She was concerned about the fact that she engaged in consensual sexual activity with the [redacted] subsequent to the alleged assault. She asked whether she would face campus discipline because of this violation of the campus code of conduct. We assured Marianthy that it is the college policy that minor misconduct is not pursued for disciplinary purposes when it is revealed in the context of a sexual assault investigation.

We further explained that she should be prepared for the fact that these aspects of her ongoing relationship with [redacted] would most likely be discussed during either a criminal or judicial hearing, and she should be prepared to answer questions about them. We explained to her, though, that while these things would be discussed, they

have no bearing on whether or not a sexual assault occurred, and all parties involved in prosecuting the case would understand the law on these matters.