



Purchasing Department
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<http://fiscal.gmu.edu/purchasing/>



**REQUEST FOR PROPOSALS
GMU-1790-22**

ISSUE DATE: January 14, 2022

TITLE: Title VII & IX and ADA Investigation/Consultation Services

PRIMARY PROCUREMENT OFFICER: James F. Russell, Director, jrussell@gmu.edu
SECONDARY PROCUREMENT OFFICER: Erin Rauch, Asst Director, erauch@gmu.edu


QUESTIONS/INQUIRIES: E-mail all inquiries to both Procurement Officers listed above, no later than 2:00 PM Eastern Time (ET) on , January 25, 2022. **All questions must be submitted in writing.** Responses to questions will be posted on the [Mason Purchasing Website](#) by 2:00 PM ET on February 1, 2022. Note: Questions must be submitted in WORD format. Also see section III. COMMUNICATION, herein.

PROPOSAL DUE DATE AND TIME: February 16, 2022 @ 2:00 PM ET. **SEE SECTION XII.A.1 FOR DETAILS ON ELECTRONIC PROPOSAL SUBMISSION.**

In Compliance With This Request For Proposal And To All The Conditions Imposed Therein And Hereby Incorporated By Reference, The Undersigned Offers And Agrees To Furnish The Goods/Services In Accordance With The Attached Signed Proposal Or As Mutually Agreed Upon By Subsequent Negotiations.

Name and Address of Firm:

Legal Name: Twitty Legal Consulting PLLC Date: 02/14/2022

DBA: Twitty Legal Consulting PLLC By:  _____

PO Box 406, Sandston, VA 23150 Signature

FEI/FIN No.: 465685620 Name: Crystal Y. Twitty

Fax No.: (804) 326-1558 Title: CEO/Founder

Email: twittylegalconsulting@gmail.com Telephone No.: (804) 726-0423

SWaM Certified: Yes: ☒ No: ☐ (See Section VII. SWaM CERTIFICATION for complete details).

SWaM Certification Number: 711858

This public body does not discriminate against faith-based organizations in accordance with the *Governing Rules*, § 36 or against a Bidder/Offeror because of race, religion, color, sex, national origin, age, disability, or any other prohibited by state law relating to discrimination in employment.



To: Mr. James F. Russell
Director
Purchasing Department
George Mason University

From: Crystal Y. Twitty, Esq.
Twitty Legal Consulting, PLLC
eVA Vendor #: VS0000133071
SWAM/Micro-business and DSBSD #: 711858
EIN#: 465685620

Re: **Request for Proposal – Title VII & IX and ADA Investigation/Consultation Services**
RFP Number: GMU-1790-22

Date: February 14, 2022

Specific Requirements (response to RFP Paragraph XII, Section B (pages 6-7))

1. Procedural information:

- a. Return signed cover page and all addenda, if any, signed and completed as required.

(See attached)
- b. Return Attachment A - Small Business Subcontracting Plan.

(See attached)
- c. State your payment preference in your proposal response. (See section XV.)

Option#3- Net 30 Payment Terms. Vendor has enrolled in Paymode-X where all payments can be made electronically to the vendor's bank account.

2. Qualifications and Experience: Describe your experience, qualifications and success in providing the services described in the Statement of Needs to include the following:

- a. Describe your experience in providing similar services described in the Statement of Needs.

Crystal Twitty of Twitty Legal Consulting (“TLC”) has been practicing law for approximately 17 years and is highly qualified. TLC has performed numerous internal investigations and environmental assessments (i.e., harassment, discrimination, hostile work environment, bullying, and retaliation claims) that involve students and employees.

TLC has a unique understanding of the higher education organizational structure and equipped to respond to Title VII (EEO), Title IX, ADA, and other federal/state related complaints. TLC has worked closely with numerous University or College officials and knowledgeable about the internal complaint processes.

Conducting proper and objective investigations is critical. TLC has the expertise to execute investigations in a timely manner consistent with law and policy to minimize potential exposure.

- b. Names, qualifications (including licenses, insurance, certification, etc.) and experience of personnel to be assigned to work with Mason.

Crystal Twitty will serve as the sole provider of services under the terms of this proposal. Ms. Twitty is currently licensed to practice law in the Commonwealth of Virginia and is in good standing with the Virginia State Bar (Member/License # 68733).

Twitty Legal Consulting has been in business for approximately 8 years and in good standing with the State Corporation Commission (ID No.: S499460-6).

- c. Resumes of personnel working with Mason.

See attached.

- d. Sample reporting.

See attached.

3. Specific Plan (Methodology): Explain your specific plans for providing the proposed services outlined in the Statement of Needs including:

- a. Your approach to providing the services described herein.

- **Crystal Twitty of Twitty Legal Consulting (“TLC”) will serve as the single (1) investigator from the firm and will maintain objectivity throughout the process.**
- **TLC will initiate timely contact with the parties/witnesses shortly after issuance of any Notices of Investigation by the University or Office for Diversity Equity and Inclusion (“DEI”).**
- **TLC will have direct communication with the parties, witnesses, and any advisors and/or support persons.**
- **TLC will receive and review all documentation regarding the reported prohibited conduct in preparation for the investigation of the case.**
- **TLC will collect all evidence (e.g., physical, documentary, testimonial) to include, but not limited to, questioning of witnesses and parties, if they choose to participate in the investigatory process.**
- **TLC will transcribe witness testimony, as needed.**
- **TLC will timely write the draft and final investigation report(s), which may include the recommended findings based on the evidence, the alleged violations of policy, and application of the preponderance of the evidence standard.**
- **TLC will maintain regular communication with the University or DEI, and timely respond to case-related inquiries.**
- **TLC will testify in person at any applicable hearings or review meetings as needed.**
- **TLC will maintain documentation of all steps in the investigation.**
- **TLC will consult with the University or DEI as needed.**
- **TLC will follow any other protocols as directed by the University or DEI and identified within the RFP.**

b. What, when, and how services will be performed.

- **TLC will initiate the investigatory process within 24-48 hours of notification by the University or DEI.**

- **TLC will arrange an initial meeting with the University or DEI by phone or in-person to discuss the approach to each particular case and to ensure compliance with policy.**
- **TLC will review applicable policies and procedures along with any information provided by the University or DEI.**
- **The University or DEI may provide substantive investigations protocol training and various templates for internal reporting.**
- **TLC will provide regular status updates by phone and/or email regarding the investigation process and identify any potential areas of exposure.**
- **TLC will write the draft and final investigation reports and distribute to the University or DEI for initial review.**
- **TLC will consult with the University or DEI as needed or required during the course of the investigation.**

c. Do you provide an electronic hub and ability to comply with use of electronic data?

Yes.

d. What is the timeframe for responding to our request(s) for service?

Absent any unusual circumstances, TLC will respond to requests within 24-48 hours of notification by the University or DEI.

e. Can you provide a statement of your commitment to diversity and inclusion?

TLC acknowledges a commitment to diversity and inclusion at large and within the philosophies and actions of the University. TLC recognizes that diversity is broadly defined to include such characteristics as, but not limited to: race, ethnicity, gender, religion, age, disability, and sexual orientation. Diversity also entails different viewpoints, philosophies, and perspectives.

4. References: No fewer than three (3) that demonstrates the Offeror's qualifications, preferably from other comparable higher education institutions your company is/has provided services with and that are similar in size and scope to that which has been described herein. Include a contact name, contact title, phone number, and email for each reference and indicate the length of service.

a.) **Kyle A. Warfield**
Diversity Equity and Inclusion
George Mason University
(703) 993-8730
kwarfiel@gmu.edu

(*Term of Services: since approximately 2016).

b.) **Ms. Kelly Oaks, Ph.D.**
Assistant Vice President for Equity and Accessibility
Virginia Tech
North End Center, Suite 2300 (0318)
Blacksburg, Virginia 24061
(540) 231-8771
koaks@vt.edu

(*Term of Services: since approximately 2019).

c.) **Ms. Pamela Mason**
Office of Compliance and Equity
College of William and Mary
James Blair Hall 102
Williamsburg, VA 23185
(757) 221-3167
phmaso@wm.edu

(*Term of Services: since approximately 2017).

d.) **Ms. Pamela F. Boston**
University Counsel
Norfolk State University
700 Park Avenue
Norfolk, Virginia 23504
(757) 823-2293
pfboston@nsu.edu

(*Term of Services: since approximately 2016).

5. Proposed Pricing: Provide hourly rates for all services described herein. Also see XI above.

For investigation and consultation services, TLC will charge a flat rate of \$225.00/hour.

6. In your proposal response please address the following:

a. Are you and/or your subcontractor currently involved in litigation with any party?

No.

b. Please list any investigation or action from any state, local, federal or other regulatory body (OSHA, IRS, DOL, etc.) related to your firm or any subcontractor in the last three years.

None.

c. Please list all lawsuits that involved your firm or any subcontractor in the last three years.

None.

d. In the past ten years has your firm's name changed? If so please provide the reason.

No.

OTHER

1. Proprietary Information:

NONE included in this RFP.

2. Vendor Status and Contract Endorsement:

- **Attachment A is attached with endorsement.**
- **TLC is certified with the Virginia Department of Small Business and Supplier Diversity (SBSD) and considered a: (1) Microbusiness and (2) Small, Women, and Minority-owned business (meets all three specifications).**
- **TLC is current on all vendor registrations including eVA (Commonwealth's procurement system).**
- **If selected based on this proposal, TLC will endorse any related contractual agreements (as specified in Attachment B, Standard Contract, of the RFP, pages 12-21).**

****This concludes the RFP GMU-1790-22.***

ATTACHMENT A
SMALL BUSINESS SUBCONTRACTING PLAN
TO BE COMPLETED BY OFFEROR

Offerors must advise any portion of this contract that will be subcontracted. It is the goal of the Commonwealth that over 42% of its purchases be made from small businesses. All potential offerors are required to include this document with their proposal in order to be considered responsive.

Small Business: "Small business (including micro)" means a business which holds a certification as such by the Virginia Department of Small Business and Supplier Diversity (DSBSD) on the due date and time for proposals. This shall also include DSBSD certified women- owned and minority-owned businesses and businesses with DSBSD service disabled veteran owned status when they also hold a DSBSD certification as a small business on the proposal due date. Currently, DSBSD offers small business certification and micro business designation to firms that qualify.

Certification applications are available through DSBSD online at www.SBSD.virginia.gov (Customer Service).

Offeror Name: Twitty Legal Consulting

Preparer Name: Crystal Twitty **Date:** 02/14/2022

Who will be doing the work: ☐ I plan to use subcontractors ☒ I plan to complete all work

Instructions

- A. If you are certified by the DSBSD as a micro/small business, complete Section A of this form.
- B. If the "I plan to use subcontractors" box is checked, complete Section B of this form. For the proposal to be considered and the offeror to be declared responsive, the offeror shall identify the portions of the contract that will be subcontracted to any subcontractor, to include DSBSD certified small business for the initial contract period in relation to the offeror's total price for the initial contract period in Section B.

Section A

If your firm is certified by the DSBSD provide your certification number and the date of certification.

Certification Number: 711858 Certification Date: 2015

Section B

If the "I plan to use subcontractors" box is checked, populate the requested information below, per subcontractor to show your firm's plans for utilization of any subcontractor, to include DSBSD-certified small businesses, in the performance of this contract for the initial contract period in relation to the offeror's total price for the initial contract period. Certified small businesses include but are not limited to DSBSD-certified women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status that have also received the DSBSD small business certification. Include plans to utilize small businesses as part of joint ventures, partnerships, subcontractors, suppliers, etc. It is important to note that these proposed participation will be incorporated into the subsequent contract and will be a requirement of the contract. Failure to obtain the proposed participation dollar value or percentages may result in breach of the contract.

Plans for Utilization of Any subcontractor, to include DSBSD-Certified Small Businesses, for this Procurement Subcontract #1

| | | | |
|-------------------------------|---------|---------------------|---------|
| Company Name: | <u></u> | SBSD Cert #: | <u></u> |
| Contact Name: | <u></u> | SBSD Certification: | <u></u> |
| Contact Phone: | <u></u> | Contact Email: | <u></u> |
| Value % or \$ (Initial Term): | <u></u> | Contact Address: | <u></u> |
| Description of Work: | <u></u> | | |

CRYSTAL Y. TWITTY

P.O. Box 406 ♦ Sandston, VA 23150 ♦ 804.726.0423 ♦ twittylegalconsulting@gmail.com

EDUCATION

Juris Doctor *Regent University School of Law, Virginia Beach, VA* 2003

Awards: Published Note, *Regent Journal of International Law*
1L Moot Court Competition-1st Place
Who's Who Among American Law Students
Regent Alumni of the Year

Bachelor of Arts in Psychology *Hampton University, Hampton, VA* 2000

Awards: Departmental Psychology Award

EXPERIENCE

CEO & Founder *Twitty Legal Consulting, PLLC* Present
Specialize in employment law and human resource compliance. Advise business owners, employers, agencies, and human resource professionals on a variety of matters arising out of the employment relationship. Conduct internal investigations, trainings, and workshops on employment law and compliance. Unique expertise in local, state, and federal governmental compliance.

Associate System Counsel *Virginia Community College System, Richmond, VA* 2011-2014
This position involved legal representation for 23 community colleges and considered one of the largest statewide organizations with over 12,000 employees. Primarily concentrated on the areas of employment law, litigation, student affairs, and workforce development. Also provided other legal services, trainings, and policy review as requested.

Assistant Attorney General II *Office of the Attorney General, Richmond, VA* 2006-2011
Primarily provided legal defense of civil litigation matters to various state agencies, which also included evaluation, negotiation and settlement of cases; reviewed proposed legislation from the General Assembly; filed various pleadings and argued before Virginia state, appellate, and federal courts.

**Judicial Law Clerk to
Chief Justice Leroy R. Hassell, Sr.** *Supreme Court of Virginia, Richmond, VA* 2004-2006
Primarily analyzed civil and criminal petitions of appeal; synthesized all information and presented recommendations in concise memoranda of law for a final decision by the Court and observed oral arguments before the Court.

Judicial Law Clerk *Circuit Court City of Richmond, Richmond, VA* 2003-2004
Primarily analyzed legal issues pertaining to criminal law; synthesized all information, and presented recommendations in concise memoranda for a final decision by the Court. Observed courtroom proceedings in criminal and civil matters.

AFFILIATIONS

Guardian Ad Litem, Juvenile and Domestic Relations Courts (Henrico County and City of Richmond - Virginia)
LEAD Virginia, Class of 2010
Prevent Child Abuse Virginia, *former* Board Member
Ronald McDonald House of Virginia (Richmond), *former* Board Member
VOICES for Virginia's Children, Chair of Personnel Committee, *former* Board Member
Virginia State Bar Pro Bono and Access to Legal Services Committee, *former* Board Member

To: [REDACTED]

From: Crystal Y. Twitty ("Investigator")
Twitty Legal Consulting PLLC

Re: Investigative Report of [REDACTED]

Date: [REDACTED]

I. Scope of Review and Methodology

This investigative report responds to a female student's allegation of sexual assault/rape committed by a male student, which relies upon the following primary components and documents to determine what, if any, University policy violations have occurred:

1.) an internal investigation;

2.) documentation and investigative files [REDACTED];

3.) University policies.

[REDACTED] or "Complainant") and [REDACTED] ("Respondent") agreed to be interviewed and are currently students of legal age enrolled at the University. For the record, both parties were informed of the investigative process and were provided [REDACTED]. They were further requested to maintain confidentiality during the course of the investigation, and informed that the University has zero tolerance for any acts of retaliation for participating or speaking out about their concerns.

II. University Policies

The University's [REDACTED]
Policy [REDACTED] outlines the following [REDACTED]:

c. Non-consensual sexual intercourse – Any sexual intercourse (anal, oral or vaginal), however slight, with any object by an individual upon another individual without consent. Intercourse, however slight, means vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital or genital to mouth contact).

e. Consent - Consent is informed, knowing and voluntary. It is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words and actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity and previous relationships or consent cannot imply consent to future sexual acts. Consent cannot be obtained by use of physical force, compelling threats, intimidating behavior or coercion. Consent cannot be given by someone known to be – or should be known to be – mentally or physically incapacitated. In order to give consent, one must be of legal age.

f. Coercion - When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

g. Incapacitation - Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand who, what, when, where, why or how of their sexual interaction. Incapacitation can result from alcohol or other drug use, unconsciousness, blackout, mental disability, sleep, involuntary physical restraint, or from being drugged. Consent cannot be given by someone known to be – or should be known to be – mentally or physically incapacitated.

III. Procedural History

On [REDACTED], [REDACTED] informed the [REDACTED] by email that she wanted to file a formal complaint of sexual misconduct against [REDACTED] for an assault that occurred on [REDACTED], at his residence hall on campus. [REDACTED] implemented interim measures (i.e., academic accommodations) for [REDACTED] and a “no contact directive” was issued to both parties. [REDACTED], [REDACTED] was informed of the investigator’s involvement. [REDACTED] took notes immediately after the incident and provided the investigator with a typed written account of the events that occurred the evening of the rape [REDACTED].

IV. Factual Findings

[REDACTED] and [REDACTED] both acknowledged that they met in an accounting class. According to [REDACTED], he sent out a mass email to the entire class that asked if anyone was interested in a study partner. [REDACTED] replied to his email, although he admitted he knew her because she sat in front of him in class and they previously talked about whether each of them had been studying. [REDACTED], [REDACTED] recalled that [REDACTED] asked for her telephone number and she gave it to him. According to her, they "actively" talked and [REDACTED] asked her if she understood the material to which she replied "[s]ome, but not all." He then asked her if she wanted to study with him and they exchanged telephone numbers. [REDACTED] was flattered and thought he was attractive. She described that they flirted "a bit," but was "weirded out" when [REDACTED] sent her a text message that invited her to study at the library or his apartment. She agreed to meet [REDACTED] at the library after class, but remembered that she had to go back to her apartment to retrieve her textbook. She recalled he wanted to go with her to get the book and they did. They soon left her place and went to the library to study. [REDACTED] stated that [REDACTED] was definitely interested in her.

[REDACTED], [REDACTED] (who is a dance major) was informed that her ballet class was cancelled due to weather. She sent a text message to [REDACTED]. He replied back and invited her to meet him for breakfast or meet at his apartment. [REDACTED] suggested that they meet for coffee instead. He mentioned that he did not drink coffee and that he asks everyone over to his apartment. He also stated that he hoped he did not make her uncomfortable. She responded to his text message and told him that he did make her feel that way. She also stated that she had bad experiences with men in the past who had gotten the "wrong idea," but remained "purposefully vague." When asked for further explanation, she stated that she had been "groped at clubs" and

had to push men away. [REDACTED] also asked if [REDACTED] was looking for fun or a relationship and she replied "fun" since she had just gotten out of a bad relationship. [REDACTED] acknowledged he sought the same thing and had also just ended a relationship. On one occasion he recalled while they were studying together [REDACTED] saw that he sent a text message to his girlfriend and asked about his relationship with her. [REDACTED] claimed that [REDACTED] stated that she was interested in a sexual relationship without any commitments. At the time, [REDACTED] said he was not partial to her and was "indifferent" to the proposition.

Later on that evening, [REDACTED] decided to meet [REDACTED] at his dorm [REDACTED] located [REDACTED] campus (even though he is an undergraduate), but that she "sincerely thought that [they] were going to study" and suggested that she knew they might kiss. She stated that she did not intend to have sex with him. She took the campus connector bus after her evening ballet class (approximately 6:40 p.m.) to his dorm as they had previously arranged for her to meet him at the bus stop near the [REDACTED]. [REDACTED] stated that her class ended late and when she arrived at the bus stop [REDACTED] was not there. He sent her a text message that told her to catch the next bus. She was surprised he did not wait for her especially since she did not know that area well or how to get to his dorm. When she informed him that she had finally arrived at his dorm, he responded and told her to use the back door because there was a [REDACTED] meeting taking place in the front lobby. [REDACTED] found his request strange and was not sure why that would keep her from going through the front door. She stated that the directions he gave her to navigate through his building were not helpful at all and she asked him to come get her. [REDACTED] eventually met her outside the dorm and he escorted her up the fire escape stairs, which led to his room. As they climbed the stairs she recalled they shared some conversation.

[REDACTED] recalled that when she entered the room, they continued to have generic conversation for a few minutes. According to [REDACTED], [REDACTED] initiated conversation about her desire to have a sexual relationship. He claimed he had no interest. According to [REDACTED] she recalled [REDACTED] sat on a chair by his computer that faced the bed and a window. He recalled they hugged each other while she sat on his lap. [REDACTED] stated that he pulled her onto his lap and showed his Facebook page, which had pictures of him modeling. [REDACTED] recalled she tried to kiss him. [REDACTED] found [REDACTED] to be very arrogant particularly as he talked about how he recruited models. She also stated that [REDACTED] asked if she was ticklish and started to touch her stomach. She reacted in a manner that suggested she was uncomfortable because she does not like people to touch her. [REDACTED] also recalled that he moved his hands over her body and touched her breasts, armpits and thighs. [REDACTED] stated that they touched each other mutually while their clothes were still on. [REDACTED] admitted she was calm and comfortable during this interaction. At some point, [REDACTED] turned off the lights and [REDACTED] told him that she does not like that so he left on his computer light. [REDACTED] recalled the lights being off before [REDACTED] arrived.

[REDACTED] then kissed [REDACTED] on the neck and asked if she liked it, to which she replied "yes." He also asked her, "[c]an you feel how into you I am?" [REDACTED] was still on his lap and she felt him press his erect penis against her bottom. She stated that he also asked to see her bra and abdominal area. She denied him at first, but then agreed and removed her shirt. [REDACTED] helped take off her bra and he asked if they could "keep this between us" and not post anything on Facebook. She agreed.

Next, [REDACTED] described that [REDACTED] walked over to his bed and put her hand on his penis and motioned for her to give him a "hand job" or to provide manual stimulation of his

penis. He pushed her on the bed and took off his shorts. She took off her boots and jeans. He then touched her vagina over her underwear and tried to take them off. [REDACTED] was not comfortable with that and kept her underwear on. [REDACTED] stated that [REDACTED] asked her to show him "how big her mouth" was and they kissed for the first time. [REDACTED] took off the rest of [REDACTED] clothes and he asked her to "suck on this [his penis]" and they proceeded to engage in oral sex. He then asked her to "deep throat" him and she said "no." [REDACTED] denied this exchange of events. Instead, he asserted that [REDACTED] initiated oral sex and he never asked her to do anything, which included a request to "deep throat" him.

[REDACTED] took off [REDACTED] underwear and got on the bed. She asked him about a condom, and he got up off the bed to get one. Both parties agreed on this point. He returned and asked if she had ever been with someone who was "big" [in an effort to describe his large penis size]. She indicated that she had. [REDACTED] stated that when he put on the condom, [REDACTED] remarked "[o]h you are going to put on a condom" as if to suggest he did not need one. He put one on anyway. [REDACTED] then got on top of her, and she asked him to "go slow" because it had been a few months since she had sex. He stated his hands were on the bed to support him over her. According to [REDACTED] [REDACTED] did not go slowly and she had "never been in so much pain." He recalled that she was in pain. She asked him again to go slowly and he did not. He denied this. [REDACTED] stated that they engaged in sex for about three to four minutes. She then asked him to get off of her. According to [REDACTED], he stopped immediately. [REDACTED] admitted that she was not sure if he heard her or even understood. So, she pushed him off of her, waited a bit, and then tried again to have sex. [REDACTED] stated that he stopped so that they could adjust the angle or position. He recalled that he moved her body about "30 degrees to the right" and she pulled him towards her.

When [REDACTED] inserted his penis the second time, [REDACTED] asked him not to put it in "all the way," but he did. [REDACTED] turned her face away and told herself that "it is going to be fine." She is not sure if she said "let us try again" or if he did. In any event, she felt he was not respectful. They continued with intercourse and then she said "stop" and had to push [REDACTED] off of her. [REDACTED] described this encounter differently and stated that they continued with sexual intercourse for about three to four minutes and then stopped because she expressed being in pain. He recalled that she tried to change positions again and rolled over on her stomach. [REDACTED] stated that [REDACTED] then looked from behind and noticed that he was not going to reinitiate intercourse but she wanted to keep going. He then said "let us not do this right now" and got off the bed, removed himself from the vicinity, and started to put his clothes back on. He further stated that [REDACTED] did not say anything to him that would imply that what had happened was "unwanted" but that she appeared "embarrassed" because he did not want to continue to have sex with her. He admitted he did not ejaculate and recalled they sat on the bed for a bit longer and he wondered why she had not decided to leave his room on her own. He further stated that he more or less implied "do not call me, I will call you." He reiterated during the interview that [REDACTED] did not express any doubt about sex and wrapped her arms around him and pulled him in during the act. He stated that when she said "stop" both times she readjusted herself and then pulled him back in when she was ready to reinitiate.

To the contrary, [REDACTED] recalled they actually tried to have sex for a third time and she pushed [REDACTED] off again. [He denied this third attempt in its entirety and frankly stated that he had no interest in a continued effort and was not "invested" or "worth it" since he had recently had sex.] According to [REDACTED], she said "no" and it took a bit more effort to get him off. She then told him that she needed to go home. He insisted that she at least help him "finish" or

ejaculate. She told him that he had two hands and could finish the job himself. [REDACTED] asked if the sex felt good and she said "no." She also recalled that he often blew in her ear during sex and did not like it. Overall, [REDACTED] felt that he was selfish and did not care about her needs.

[REDACTED] turned on the light and [REDACTED] said "sorry for being an asshole and a bitch." She claimed he responded he "did not know the difference" and asked if they could keep their sexual encounter between them. [REDACTED] recalled being determined to leave his dorm and felt "hysterical." She frankly acknowledged that she is not sure whether [REDACTED] could pick up on her demeanor. She remembered being abrupt and very direct about wanting to leave his room and vaguely recalled that she may have said "I need to go now." [REDACTED] stated that despite their encounter she felt bad that she had to leave so awkwardly because she does not like to disappoint people. Ultimately, she got the impression that he seemed to think that she was "in the wrong." On her way out of [REDACTED] room he looked down the hallway almost in an effort to make sure no one saw her leave. [REDACTED] noticed one guy in the hallway and then went downstairs. She called her roommate to come pick her up. She also called another friend to pick her up and told her that "something bad happened." [REDACTED] further described sex with [REDACTED] as "not all the way consensual but not rape." She also showed her friend[s] a picture of [REDACTED] so they would not deal with him in any way. [REDACTED] also called her ex-boyfriend later that evening because she had trouble sleeping. She later explained to the investigator that it was rape or sexual assault because for about two to three minutes it was not consensual. She also stated that she was in disbelief something like that could happen to her and "was not the type of girl to mess up that badly."

[REDACTED] gave the clothes she had on that evening to a friend and asked her to keep them at her house in the event she needed evidence or decided to pursue criminal charges (as of

The investigator finds that [REDACTED] allegations have been made in good faith with the honest belief that the alleged violations occurred. Further, the investigator finds [REDACTED] more credible than [REDACTED]. While he denied that a rape occurred, the facts strongly suggest that more likely than not sex reached a point that was not consensual. [REDACTED] actions in totality and particularly after the incident substantiate her credibility. For instance, [REDACTED] contacted several friends to report that "something bad happened" and even gave her clothes (from the date of the rape) to a friend for preservation purposes. She also visited a hospital for medical assistance and received a blind PERK kit exam.

VI. Assessment of Policy Violations

While this investigative report does make findings as to the allegations, these are recommended findings only.

Pursuant to the University's sexual misconduct policy applicable to all students, "non-consensual sexual intercourse," however slight, includes vaginal penetration by a penis, tongue or finger. [REDACTED]. As noted in the foregoing facts, both parties admit that sexual intercourse occurred on [REDACTED], which involved vaginal penetration and oral sex that was performed on the Respondent. The parties disagree on whether vaginal sex or penetration was consensual at about the second or third time [REDACTED] attempted to penetrate [REDACTED] vagina. Based on the investigator's factual findings, there is a preponderance of evidence or more likely than not that [REDACTED] engaged in non-consensual sexual intercourse after [REDACTED] repeatedly or at least twice pushed and told him to get off of her. In the instant matter, the investigator finds that [REDACTED] very likely ignored her demands and continued to engage in sexual intercourse beyond a certain point.

The investigator finds that [REDACTED] allegations have been made in good faith with the honest belief that the alleged violations occurred. Further, the investigator finds [REDACTED] more credible than [REDACTED]. While he denied that a rape occurred, the facts strongly suggest that more likely than not sex reached a point that was not consensual. [REDACTED] actions in totality and particularly after the incident substantiate her credibility. For instance, [REDACTED] contacted several friends to report that "something bad happened" and even gave her clothes (from the date of the rape) to a friend for preservation purposes. She also visited a hospital for medical assistance and received a blind PERK kit exam.

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The University should consider a range of options in addressing this matter, including the full range of sanctions as outlined in the [REDACTED]. [REDACTED] and [REDACTED] should also refrain from having any contact with one another while students at the University.

******This concludes the investigative report.***