

Case Study for Cross- Examination Practice – March 31, 2022

The Title IX Office at Coppin State University received a formal complaint of a sexual assault in the early morning hours of December 13 in Dedmond Hall filed by Alex, a First Year resident, against Terry, a Junior who lived in Dedmond Residence Hall. Notice of the allegation and Final Investigation Report were given to the Complainant, Respondent, their Advisors, and Hearing Panel Members.

Alex and Terry

Alex, Complainant, First Year at Coppin State University
Terry, Respondent, Junior at Coppin State University
Hannah, Witness #1, Resident Assistant

Hannah's Statement as given to the Investigator

Hannah said she received a phone call around 10:00 am from Jason, a Desk Assistant in Daley Hall who had worked the late shift at the front desk of the residence hall. Jason informed Hannah that, at around 1:00 am on Friday night (early Saturday morning), he saw Alex walk in the front door of Daley appearing visibly intoxicated and looking "misty-eyed," as though she had been crying. As she walked by the front desk toward the elevators, Jason said he asked her if she was okay, to which she said, "Yeah, I'm fine, long night," before quickly turning the corner. Jason said he thought Hannah should check on Alex, which Hannah agreed to do.

Hannah said she knocked on Alex's door around 11:00 am Saturday morning and Alex answered the door "looking rough." Hannah asked if she would mind coming down to her room to talk for a bit, to which Alex reluctantly agreed. Hannah said she had planned on having the typical alcohol talk and possibly referring the situation to student conduct but was surprised by the direction the conversation took.

When Hannah asked Alex to tell her about the prior night, Alex said she hung out with some friends in Dedmond Hall then came back to her room in Daley. When Hannah asked if Alex consumed any alcohol, Alex said she didn't remember. When asked how she got back to Daley, Alex said, "I honestly don't have much memory of last night." Hannah then explained Coppin State's alcohol policy and shared that Jason had observed her from the front desk entering Daley late the prior night, apparently intoxicated. Alex did not respond, instead sitting silently looking down at her hands. Hannah added that Jason also

mentioned that Alex looked upset and asked if something had happened that night.

Hannah said she could see tears welling up in Alex's eyes and that Alex took a deep breath and said, "I did drink last night. I drank in Terry's room." She continued saying: "There were lots of people hanging out in Terry's room, then everyone gradually left, and Terry asked if I'd hang around to talk. Terry was having relationship problems or something. And, I don't know if there was something in the drinks or what, but I just remember getting really drunk really fast, then everything started to get fuzzy and my memory of the night kind-of goes in and out. The last thing I really remember was sitting on Terry's bed, in the room, and we're talking about the "ex" or whatever, and then we just started to kiss which I was not comfortable with. I think I tried to pull away, but it just kept going. Then I just have a flash of memory where Terry took off my clothes and started to have sex with me. Then I just remember waking up in my room this morning with a really bad headache."

Hannah said she tried not to ask too many questions but did ask Alex what she meant by "have sex with me," to which Alex replied, "I guess touching me in my privates, but I just don't really remember a lot." Hannah said she told Alex that she would need to refer this information to Coppin State's Title IX Office, and when Alex asked why, Hannah said she told her it sounded like a sexual assault took place. Hannah said Alex was still worried about getting in trouble for having consumed alcohol, but that she explained how the University's amnesty policy applies to reported incidents of sexual assault.

Alex's Statement to the Investigator

Alex met with the Investigator and shared the following: Alex explained that she and Terry are part of the same friend group, and that they and about five other friends had met up in Terry's room in Dedmond around 10:00 pm that Friday night. When asked about her relationship with Terry, Alex said, "I guess I would've called Terry - a friend; I mean, we hung out a lot because we were part of the same friend group, but we weren't like close or anything."

Alex said Terry had a couple bottles of vodka waiting when they got there and had purchased bottles of Gatorade from a convenience store off-campus. She said, "I don't remember who was mixing drinks, I'm assuming it was Terry, but I just remember someone handing me a red solo cup with a mixture of vodka and Gatorade." Alex said she remembered finishing one cup and drinking from a second but couldn't remember if she finished it or not.

Alex said, “I just remember snippets of what happened. I think we’d been there for several hours, probably, then everyone started to head back to their rooms, and I remember Terry kinda whispering to me that they wanted me to stay after to get my thoughts on a prior relationship situation, or something. Like I told Hannah, I don’t know if Terry put something in my drink or what, but it definitely hit me fast, just out of nowhere, I was out of it. I remember stumbling and slurring my words, and then just having a lot of difficulty concentrating while he was talking to me. Then I must have blacked out because I have this flash of being in the bedroom, sitting on the bed, and Terry’s going on-and-on about this Ex. Then I have another flash of abrupt kissing, and then I think I pushed Terry off, and then I have another flash, I guess sometime later, where I’m on my back, I think still on the bed, and Terry was raping me.”

Alex said she had no recollection of leaving Terry’s room or of how she got back to Daley, explaining that the next thing she remembered was waking up in her room on Saturday morning feeling awful. Alex told the Investigator that Hannah came to her room later that morning and that Hannah had informed her that a DA apparently saw her walking through the front doors of Daley late that night appearing drunk and upset. The Investigator informed Alex that there are interior surveillance cameras observing the entrances of all the residence halls on campus, and that they would acquire and review that footage. Alex said that, after talking with Hannah, they felt like what happened was not okay and so she decided to file a formal complaint.

Terry’s Statement

Terry met with the Investigator and informed her that the University was investigating a situation involving Alex that occurred on the night of Friday, December 12th and early Saturday morning. Terry explained that Alex was a good friend and part of their friend group. Terry thought Alex liked them, adding that her close friend Alice—who is part of their friend group and who was at the party in the room that night—had shared a few months prior that Alex was interested in a relationship with Terry, but was concerned because Terry was “emotionally unavailable” because of the on-again-off-again relationship with now ex-girlfriend, Krista.

Terry explained that everyone arrived around 9:00 or 9:30 pm and that they “just hung out playing drinking games with a deck of cards” in the common area of the suite-style residence hall room. Terry purchased a stack of red solo cups and that everyone mixed their own drinks throughout the night. Terry admitted drinking a lot and got very drunk that night, adding that everyone was pretty drunk by the end of the night, Alex included.

Terry said everyone started leaving the room shortly after midnight, but that Alex stuck around. Terry had to lie down because “the room was starting to spin,” and that Alex followed and began asking questions about the relationship with Krista while sitting on the edge of the bed. Terry added that they had talked about Krista on a few prior occasions. Terry said they talked about the relationship issues for about 5-10 minutes and that, at one point, Alex made the comment, “I don’t know why you put up with her shit, I know I would treat you much better than that if I were your girlfriend.” Terry said that, as she said this, she moved her hand to the genital area and began caressing it over her sweatpants. Terry explained that she felt no romantic feelings for Alex. Terry said Alex then lowered her waistband and began performing oral sex.

Terry said this continued for about 5-10 minutes, at which point Alex stopped and asked what was wrong, Terry said “Sorry, I guess I am not feelin it, right now.” Terry said Alex seemed to get upset and asked tearfully, “Is it me?” Terry said in a gentle way that “there was nothin here between us.” But Alex kept pressing, so Terry finally said something like, “I’ve just never had feelings for you like that.”

Terry said Alex got really upset and then Terry had to “go into damage control” for 10-15 minutes, but was eventually able to talk her down, adding that “she was just drunk and being emotional.” Terry thought that Alex left the room sometime around 1:00 am. Then Terry made a sandwich, grabbed the laptop, and started watching Netflix while lying in bed. Terry said that about an hour later, Alex sent a text message that read, “I’m still so drunk,” and Terry responded, “Yeah, me too.” Alex replied, “Talk tomorrow?” to which Terry responded, “Of course.” When the Investigator asked to see the text messages, Terry willingly provided the phone with the text messages. The Investigator noted the timestamps on the text messages as being: 2:14am, 2:15am, 2:21am, and 2:22am, respectively.

Video Surveillance Footage

The Investigator reviewed the surveillance footage from cameras observing the entryways of both Dedmond and Daley Residence Halls, which showed Alex leaving Dedmond at 1:07 am and entering Daley at 1:13 am. In both videos, Alex appears to sway slightly when walking and does not walk in a straight line. The details of Alex’s face are difficult to make out due to the camera’s low resolution.