

Resolution Officer Decision

██████████ (Case No. ██████████)

Date: ██████████ 2026

*Investigation, Support, and Resolution Department
A Unit of the Office for Civil Rights and Title IX Education and Compliance*

██████████

In re: Matter of ██████ / ██████ Case No. ██████

Date: ██████ 2026

On ██████, 2026, ██████ Resolution Office¹ facilitated a hearing to resolve a report alleging that ██████ (“Respondent”), an undergraduate student at ██████ sexually harassed, stalked, and sexually assaulted ██████ (“Claimant”), an undergraduate student at ██████ in violation of the ██████ Policy on Relationship Violence & Sexual Misconduct and Title IX (“Policy”).

Prior to the Hearing, ██████ Investigation, Support, and Resolution Department (“ISR”) investigated these matters and issued a final investigation report and relevant evidence on ██████ 2026. ISR then referred this case for a hearing before the Resolution Officer, a neutral decision-maker.

I. Summary of Findings

- The available evidence **does not** support a determination, by a preponderance of the evidence, that ██████ engaged in Sexual Harassment.
- The available evidence **does not** support a determination, by a preponderance of the evidence, that ██████ engaged in Stalking.
- The available evidence **does not** support a determination, by a preponderance of the evidence, that ██████ engaged in Sexual Assault.

These findings are limited to the Relationship Violence and Sexual Misconduct and Title IX Policy and should not be construed as a determination of either party’s potential responsibility for violations of any other University policy.

The Hearing Case File includes the Final Investigation Report (“FIR”), documentary evidence, and the parties’ written feedback to the draft investigation report and the Final Investigation Report. References in this decision to the Hearing Case File are listed as “HCF” followed by a page number corresponding to the page number within the 236-page PDF of the Hearing Case File. References to the recording of the hearing are listed as “Hearing,” followed by a time marking from the video recording.

II. Standard of Review

In evaluating allegations of a violation under the Policy, the “preponderance of the evidence” standard of proof is used. (Policy, XIII.A(4); HCF, p. 85). Under this standard, individuals are presumed not to have engaged in the alleged conduct unless a “preponderance of

¹ The Resolution Office is a unit within the Investigation, Support, and Resolution Department (“ISR”).

potential responsible party. (HCF, pp. 192-193). On [REDACTED] 2025, Claimant also reported a potential drugging and sexual assault to [REDACTED] Police Department and named Respondent as the responsible party. (HCF, p. 202). Claimant also reported that Respondent sent her threatening messages and that she feared for her immediate safety. (HCF, p. 202).

C. Findings of Fact

The parties first dispute whether Respondent drugged Claimant's drink at the party. Claimant's primary basis for this allegation is her belief that she did not drink enough alcohol to be as intoxicated as she was. However, Respondent recalled Claimant drinking twice as many shots of alcohol at the party. Claimant stated that she drank two to three shots, however, she also acknowledged being "mentally unaware" for several hours.

Respondent also said that the "shots" were cups half filled with alcohol. Had Claimant participated in the hearing, the Resolution Officer intended to ask her about the size of the shots she consumed and whether it was possible that she consumed four to six shots after returning from the group outing to purchase alcohol. If Claimant disputed the size of the "shots" and the possible consumption of additional shots later in the night, those details would be material to the assessment of whether Respondent drugged Claimant's drink.

Claimant also repeatedly referenced a video which led her to conclude that she was drugged, but she did not provide this video to be reviewed in connection with this case. While Claimant is not required to provide any specific piece of evidence, the absence of this video makes it difficult to understand what she saw that led her to believe she had been drugged. There are also some gaps in the evidence regarding the symptoms that other party goers experienced, as Claimant reported that others reported feeling sick, but not that they experienced memory loss or blackout symptoms. Given the lack of witnesses and video evidence, the Resolution Officer is limited to each party's statements to make a finding.

Claimant and Respondent's statement on this issue directly contradict one another, and there is no evidence that makes one party's account more likely true than the other party's account. Claimant did not witness Respondent put anything into her drink, and her accusation is based on her belief that "nobody else at the party would have done so [referencing drugging her drink]." (HCF, p. 135). However, Claimant did not identify others at the party or provide information to explain why she believed they were incapable of drugging her drink, while Respondent was not.

Based on the limited available evidence, there is insufficient evidence to conclude that Respondent drugged Claimant's drink the night of the party. Claimant's statements regarding her post-incident discomfort are credible, but insufficient to support the finding without more to overcome Respondent's equally credible account. There is no objective evidence, such as a toxicology report, that supports Claimant's allegations of being drugged and others who drank from the same bottle and did not exhibit the same symptoms that Claimant experienced. There are also no witnesses who observed Respondent tampering with the bottle or with Claimant's drink. For these reasons, a preponderance of the evidence does not support a finding of fact that Respondent put drugs in Claimant's drink while at the party.

The next issue is whether the available evidence supports Claimant's allegation that Respondent sexually assaulted her the night of the party. Claimant does not remember the sexual activity and has made no specific allegations regarding how the sexual activity or sexual assault may have occurred.

While Claimant is not required to participate in the process, her failure to do so means that the Resolution Officer was unable to ask questions that might fill in certain gaps in the evidence. The Resolution Officer intended to ask Claimant questions about where the sexual assault may have occurred and whether it was possible that someone else was responsible for Claimant's bruising, pain, and bleeding. This is especially important in this case because Claimant has no memory of an assault, but initially felt uncomfortable about the actions of an unidentified third party.

Claimant acknowledged that there was another male in attendance at the party who was seen on video attempting to "take advantage" of her, but she declined to provide any additional details as to what this means, or whether this person could be responsible for the symptoms that Claimant experienced. On the other hand, Respondent has flatly denied that he sexually assaulted Claimant, denied that sexual activity occurred, and denied being alone with her at any point during the party. No witnesses reported that they saw Respondent behave suspiciously or witnessed Claimant and Respondent alone together at the party.

Because there is no direct evidence that sexual activity occurred, or that it was Respondent who engaged in any sexual activity with Claimant and not someone else, the preponderance of the evidence standard has not been met.

C. Application of the Policy

Non-Consensual Sexual Contact

The Policy defines RVSM Non-Consensual Sexual Contact as "the intentional touching of intimate body parts of another person in a sexual manner without consent, causing another person to touch intimate body parts without consent, or the disrobing or exposing of another without consent. Intimate body parts include, but are not limited to, the mouth, neck, buttocks, anus, groin, genitalia or breast, however, sexual contact can occur with any part of the body. (Policy, III.B1; HCF, p. 41).

Here, the factual findings did not support a finding that any sexual contact occurred, including any intentional touching of the body parts of another person in a sexual manner. As the factual record does not support that Respondent touched any body part of Claimant, there can be no findings for non-consensual sexual contact. Therefore, the Resolution Officer finds that Respondent is not responsible for Non-Consensual Contact under the RVSM provisions of the Policy.

Non-Consensual Sexual Penetration

The Policy defines RVSM Non-Consensual Sexual Penetration (attempted or actual) as, "penetration, or attempted penetration of a genital, anal or oral opening of another person by use of an object, instrument, digit or other body part." (Policy, III. B2; HCF, p. 41).

As outlined above, the factual findings did not support a finding that any sexual contact or touching occurred, including penetration, either digital or vaginal. As the factual findings did not support that penetration occurred, there can be no finding under this provision of the policy. The findings further support that there is insufficient evidence to support that Claimant was drugged and therefore incapacitated and unable to consent. Without any facts in the record that support attempted or actual penetration occurred, there is insufficient evidence to conclude that Respondent engaged in RVSM Non-Consensual Sexual Penetration. Therefore, the Resolution Officer also finds that Respondent is not responsible for violations of the RVSM Non-Consensual Sexual Penetration.

RVSM Stalking

The Policy defines RVSM Stalking as “engaging in a course of conduct that is directed at a specific person or persons that would cause a reasonable person to feel fear for themselves or for the safety of others, or to suffer substantial emotional distress.” (Policy, III.D; HCF, p. 103). The Policy further clarifies that stalking includes “cyberstalking, which utilizes electronic formats such as the internet, social networks, social media apps, blogs, texts, cell phones and other devices.” Under the Policy, a “course of conduct” means two or more acts directed at a specific person or persons. (Policy, III. D; HCF, p. 43).

As noted in section (IV)(f) above, ISR dismissed the third bullet in the formal complaint, which alleged that Respondent sent Claimant threatening messages, including a photograph of Respondent holding a firearm. This leaves the allegations that Respondent drugged and sexually assaulted Claimant, which could meet the broad standard defined above. However, because these allegations were not supported by a preponderance of the evidence, they do not support a determination that Respondent engaged in the requisite course of conduct towards Claimant. Therefore, the Resolution Officer finds that Respondent is not responsible for a violation of the RVSM Stalking provision of the Policy.

RVSM Sexual Harassment

The Policy defines RVSM Sexual Harassment as “verbal, written, or physical behavior, directed at someone because of that person’s sex... when that behavior is unwelcome and... so severe, persistent, or pervasive that it causes an unreasonable interference with the individual’s work or educational performance by creating an intimidating, hostile, or demeaning environment for... education.” (Policy, III.A; HCF, p. 39-40).

The first step in the Sexual Harassment analysis is whether Respondent engaged in any conduct directed at someone because of that person’s sex. Based on the findings above, there is insufficient evidence to support that Respondent engaged in any conduct directed at Claimant because of her sex that could be potentially harassing in nature. It is again noted here that ISR dismissed the allegations that Respondent sent Claimant threatening messages. The other alleged conduct is addressed in the above analysis of Non-Consensual Penetration and Non-Consensual Sexual Contact. As there are no other findings that could support a finding of a policy violation under the definition of RVSM Sexual Harassment, there is insufficient evidence to support a finding of RVSM Sexual Harassment.

VII. Conclusion

For the reasons detailed above, the Resolution Officer makes the following findings:

- The available evidence **does not support** a determination, by a preponderance of the evidence, that [REDACTED] engaged in RVSM Sexual Harassment
- The available evidence **does not support** a determination, by a preponderance of the evidence, that [REDACTED] engaged in RVSM Non-Consensual Sexual Contact
- The available evidence **does not support** a determination, by a preponderance of the evidence, that [REDACTED] engaged in RVSM Non-Consensual Sexual Penetration
- The available evidence **does not support** a determination, by a preponderance of the evidence, that [REDACTED] engaged in RVSM Stalking.

These findings are limited to the applicable policy definitions included in the Policy and should not be construed as a determination of whether Respondent violated any other [REDACTED] policies.

/s/ [REDACTED]
Resolution Officer

VII. Appeal Procedures

With respect to the next steps in [REDACTED] process, both parties have ten (10) business days from the date this decision is issued to appeal the findings.

A successful appeal must address one or both of the following grounds, and must explain the basis for the appeal in detail:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against claimants or respondents generally or the individual claimant or respondent that affected the outcome of the matter; and/or
- The written decision was arbitrary and capricious.
- Where a sanction has been decided for a student, the sanction is clearly inappropriate or is not commensurate with the seriousness of the offense.

If an appeal is filed, the implementation of a sanction or discipline may be delayed until the decision regarding responsibility becomes final. Appeals should be directed to the Equity Review Officer at [REDACTED]

/s/ [REDACTED]
Director of the Resolution Office