

Hearing Outcome Determination Notification

August 2026

Respondent: Complainant:
Case Number:

Sent by: University Email

Dear

This serves as official correspondence from the Sexual Misconduct Prevention & Response Office regarding the outcome of the formal hearing held on August 2026. A formal complaint was submitted to the Title IX Coordinator on November 2025, alleging that engaged in behaviors that violated the Sexual Misconduct and Sex-Based Discrimination policy () beginning in Fall 2025.

Specifically, it was alleged that on November 2025, while engaging in consensual kissing, boundaries beyond that were not consensually followed by the Respondent. These include the Respondent continually attempting to take off the Complainant's bra after being told 'no', physically restraining the Complainant while grinding his clothed penis against her clothed vagina, and, lastly, digitally penetrating her vagina without consent. Allegations above related to Sexual Assault, as defined by the policy. Complainant clarified that during their relationship, from September 2025, through October 2025, the Respondent physically restrained the Complainant during intimate encounters, including holding her hands down, grabbing her throat, and leaving a bruise after lip sucking, even after the Complainant expressed that they did not give consent for it. These behaviors were similar to what the Complainant experienced on November 2025. Allegations above are defined under the policy as Dating Violence due to their occurrence while involved in an intimate or romantic relationship. The Complainant proceeded with the Formal Resolution process on November 2026.

A Notice of Investigation & Allegations (NOIA) was sent to both parties on December 2025, and an amended NOIA on April 2026. The investigation included 1 witness along with the Complainant and Respondent. , the Investigator, conducted a formal investigation of the allegations, and the final report served as the basis for the formal hearing held in accordance with the University's policy.

The parties and their advisors were allowed to review all relevant information gathered during the investigation directly related to the allegations. This information, along with a copy of the draft investigation report, was provided by the Investigator to the parties and their advisors in an electronic format from July 2026, until July 2026. The parties submitted their comments by the 10th day of the initial review period, and the Investigator included them in the final report.

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[REDACTED]

A copy of the final investigation report and the directly related evidence files were provided to the parties and their advisors, along with the formal hearing notice, on July [REDACTED] 2026. Pre-hearing meetings with both parties were offered before the initial investigative report was disseminated. Additional pre-hearing meetings were also offered to both parties before and during the final report period.

The hearing convened on August [REDACTED] 2026, to review the information in the final investigation report and relevant evidence from the parties and witnesses (if applicable). The hearing ended on the same day.

Based on the information presented at the hearing and within the investigation report, the Decision-Maker panel has determined that the Respondent is **NOT RESPONSIBLE** for all alleged policy violations under the Preponderance of Evidence Standard. The rationales they used to find a responsible determination will follow each policy violation description.

A.3. Sexual Assault

A. Sexual Harassment. "Sexual harassment", as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Sexual harassment is conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following criteria.

3. Sexual Assault is any sexual act³ directed against another person, without the consent of the Complainant⁴, including instances where the Complainant is incapable of giving consent. Sexual Contact includes touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts, and /or making another touch you or themselves with or on any of these body parts.

³A "sexual act" is specifically defined by federal regulations to include one or more of the following: (1) forcible rape; (2) forcible sodomy; (3) sexual assault with an object; (4) forcible fondling; (5) incest; (6) statutory rape. Each of these six sexual acts are defined in Section VI of this of this Policy.

⁴For purposes of this Policy, the individual who is reported to have experienced Prohibited Conduct, regardless of whether that individual makes a report or participates in the review of that report by the University, is referred to as the Complainant. The individual who is reported to have engaged in Prohibited Conduct is referred to as the Respondent.

Rationale that supports the above finding:

- The Respondent did not have enough information to know that the Complainant's consent had been withdrawn, as it appears, based on the evidence presented, that this interaction was very similar to previous sexual interactions in which the Complainant and Respondent were both consenting.
- Respondent and Complainant both agreed during cross-examination at the hearing that most of their cues for consent with each other had been nonverbal in the past. Neither the Complainant nor the Respondent was able to describe a previous incident that ended due to a nonverbal withdrawal of consent, suggesting that the Respondent may have perceived this situation as being similar to their previous consensual sexual encounters.
- Due to the length of the relationship and the first experience with this intimate act, the Respondent also might not have known the Complainant well enough to be able to pick up on nonverbal withdrawals of consent.

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[REDACTED]

- Complainant reported that she removed her bra during the incident (Final Report, Page 13 and confirmed during the hearing.) This indicates that if there was a withdrawal of consent, it may not have been clear to the Respondent due to the Complainant removing additional layers of clothing
- According to the DPS report, the Complainant told Witness 1 and her friend, [REDACTED] about the incident. Complainant was initially excited to share what happened and framed it as a positive experience. During the hearing, the Complainant confirmed that she had initially felt positively about the experience. While the interpretation of the situation may have changed, it didn't change the amount of information available for the respondent to act on in the moment. Because Witness 1 was not able to attend the hearing, the Decision Makers weren't able to determine what new information led to the change of opinion or the role that the witness played in shifting the Complainant's view.
- In the love letter, the Complainant used phrases such as "safe and grounded" and "responsive to her wants and needs." "You're so careful of my wants and needs, and you've made me feel so safe and grounded when I'm around you." "Thank you for genuinely giving me peace and safety, as well as comfort."
- The texts seemed to indicate that she was willing and interested in continuing the relationship (Evidence 6), "I want you like so bad rn." This has been interpreted as a sexual innuendo, suggesting that the Complainant was in pursuit of a sexual experience with the Respondent. The Complainant also invited the Respondent into her room on multiple occasions. These more overt ways of communicating a desire for connection, coupled with a nonverbal withdrawal of consent on November 3, could be an unfortunate miscommunication and misreading of signals
- In their closing statement of the hearing, the Complainant stated that she didn't believe the Respondent had acted with malicious intent. This is in opposition to the Final Report, in which the Complainant alleged that the Respondent participated in coercive behavior in relation to the digital penetration (Final Report, Page 8).

Due to these points above, the Decision Makers concluded that there is insufficient evidence to make a responsible finding for sexual assault.

A.5. Dating Violence

5. Dating Violence is violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Rationale that supports the above finding:

- The Decision Makers did not find the Respondent responsible for dating violence, which is one of the primary allegations under the dating violence charge.
- In the love letter, the Complainant chose words like "safe and grounded" and stated that the Respondent is responsive to the Complainant's wants and needs. Example - "You're so careful of my wants and needs, and you've made me feel so safe and grounded when I'm around you." Example - "Thank you for genuinely giving me peace and safety, as well as comfort." These descriptors are very specific and seem to indicate that feelings of safety existed within the relationship.

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- During the hearing, the Complainant affirmed that she said those things because she felt them to be true.
 - The Report stated there were patterns of problematic aggressive behavior on the part of the Respondent, but there was no evidence provided to support this portion of the allegation (i.e., the bruised lip, restrained wrists, etc).

Based on the points above, the Decision Makers concluded that there is insufficient evidence to make a responsible finding of dating violence.

The Decision Makers have communicated that their findings are not rooted in disbelief of the Complainant's experience but are due to insufficient evidence relative to the preponderance-of-the-evidence standard.

The Decision-Maker panel also evaluated the credibility of the parties and witnesses (if applicable).

According to University policy, a record of this outcome will be maintained as part of your education record. Both parties can appeal this decision once within the University's process, detailed in the Sexual Misconduct & Sex-based *Discrimination policy*. If you wish to appeal this decision, you must submit the appeal request via email to me no later than five (5) business days following the date of this letter (August 1, 2026, by [REDACTED]). You will be notified in writing if an appeal request is received. If no appeal requests are received by the end of the five (5)- business-day period, this decision will constitute the final decision.

The University's Sexual Misconduct Prevention and Response Office maintains the confidentiality of this outcome and only releases information as permitted or required by law.

Finally, you are reminded again that the University's Sexual Misconduct Prevention and Response Office's policies on Retaliation are in effect and will be enforced should any adverse action be taken against any participant in the resolution process.

If you have any questions regarding the grievance process and procedures related to the *Policy* or the contents of this letter, you may contact me at [REDACTED]

Sincerely,




Title IX Coordinator
Director, Sexual Misconduct Prevention & Response Office



[REDACTED], Decision Maker Lead
[REDACTED], Decision Maker Panelist
[REDACTED], Decision Maker Panelist

CC: File
Mark Satawa, Advisor

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