

## **Charlie and Jesse**

Charlie and Jesse dated during fall semester of this year. The alleged incident reportedly occurred on December 13<sup>th</sup>. Both parties agree that they later broke up on Christmas Day.

### *Charlie's story*

It was late at night, and it was very cold. Jesse and I had gone on a long walk through town to talk about our relationship, but I had an exam the next morning so we got back in the car to drive back to campus. I was in the passenger seat of Jesse's car, and Jesse was driving. When we got to my residence hall, Jesse parked and we continued talking for a while. I told Jesse that I wasn't happy and thought it might be time to break up. Jesse got mad and started yelling that I was "self-absorbed," and that when Jesse expressed concerns about the relationship, I would ignore or blame Jesse for everything. I told Jesse that I wasn't going to be yelled at and that I thought it was time to go inside. Jesse grabbed my left arm forcefully and told me that I "can't get away that easily." I tried to wrench my arm free. Then Jesse slapped me across the face. I screamed, and Jesse let go. I ran out of the door up to my room, locked the door, and stayed in for the rest of the night. I didn't talk to anyone that night and ate my way through a box of chocolates I had in my room. The next morning before my exam, Jesse snapped me, "I love you. I am so sorry. Let's talk." I had a deep bruise on my left forearm that didn't go away for two weeks. I wish I had taken pictures.

### *Jesse's story*

Yeah, I remember that night, but that's not how it happened. Charlie and I drove into town for dinner. Charlie had a glass of wine; I didn't drink because I was driving. After dinner, we walked down to a little park and talked. It was freezing. Charlie spent a lot of time telling me how I never listened and was always late. When I tried to respond, Charlie started playing with a phone. I got mad because Charlie was accusing me of not listening, but now Charlie wasn't listening. I told Charlie it was time to head back to the car, and we didn't talk most of the way back. Once we got to the residence hall, I wasn't in the mood to talk anymore so I pulled up outside the door and said "Good night." Charlie said, "Figures you don't want to talk. You don't want to hear anything bad about yourself. Why do I keep dating you? I think it's time for me to leave." Then I felt guilty for brushing Charlie off, so I said, "Oh, don't be like that. Let's talk after your exam," and leaned over to kiss Charlie good night. Charlie leaned away from me so I missed the kiss, then got out of the car. Later I snapped Charlie, "I love you. I'm sorry. Let's talk tomorrow." The next day, I was waiting for Charlie outside the exam room and we talked it through. There's no way I bruised Charlie's arm. If I touched Charlie's arm, it was just to get my balance when I leaned over for the kiss.

### *Whitney's story*

Charlie lives next door to me, and we have bio together. Charlie came home around midnight the night before our exam in a huff. Charlie had borrowed my winter coat for a date and stopped by to drop it off. I asked Charlie what was wrong. Charlie told me about an argument with Jesse and said that the relationship was getting to be too much. I told Charlie to get some sleep for the

exam tomorrow, and Charlie left, talking about wanting to gorge on chocolate and go to bed. The next day, Jesse was waiting for Charlie outside the exam room. I never saw any bruises on Charlie's arm. I left for home a few days later.

*Other information*

- Security footage shows the car pulling up to the residence hall at 11:44 p.m. and Charlie exiting approximately one minute later. The camera can't see the inside of the car.
- Card swipes show Charlie entered the residence hall at 11:45 p.m., then again at 12:08 a.m. through a different door; security footage could not be obtained for the later swipe.

**Questions for discussion:**

- 1. What are the allegations against Jesse? What is required to be shown at the hearing to determine whether there is a policy violation?**

**What's the definition?** Dating Violence (IPV): "Dating Violence" means **an act of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant.** The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

**What are the elements?** (1) act of violence committed by a person who (2) is or has been in a romantic or intimate relationship with the complainant.

*Do we have agreement on either element?* Yes to No 2. No dispute that Charlie and Jesse were in a relationship at the time the incident occurred. No to No. 1. The parties do not agree that there was an act of violence.

- 2. Resolving the dispute: What do the parties say happened as it relates to the act (or acts) of violence?**

**Charlie** states in the report: "Jesse grabbed my left arm forcefully and told me that I "can't get away that easily." I tried to wrench my arm free. Then Jesse slapped me across the face. I screamed, and Jesse let go." And "I had a deep bruise on my left forearm that didn't go away for two weeks. I wish I had taken pictures."

- What information from the report supports Charlie's statements?
- What information is in conflict with or creates doubt about Charlie's report? What information bolsters Charlie's account?
  - List documents: video footage (images and timestamps), card access data (card use and door location)
  - List witnesses (Whitney)
- Is there information that tends to make Charlie more or less credible?
  - Are there internal inconsistencies? Who is more consistent?
  - Are there concerns about memory? Accuracy of perception?

- Are there motivations for not providing truthful information? Bias? Interference from others?

**Jesse** reports “Once we got to the residence hall, I wasn’t in the mood to talk anymore so I pulled up outside the door and said “Good night.” Charlie said, “Figures you don’t want to talk. You don’t want to hear anything bad about yourself. Why do I keep dating you? I think it’s time for me to leave.” *Then I felt guilty for brushing Charlie off, so I said, “Oh, don’t be like that. Let’s talk after your exam,” and leaned over to kiss Charlie good night. Charlie leaned away from me so I missed the kiss, then got out of the car. Later I snapped Charlie, “I love you. I’m sorry. Let’s talk tomorrow.” The next day, I was waiting for Charlie outside the exam room and we talked it through. There’s no way I bruised Charlie’s arm. If I touched Charlie’s arm, it was just to get my balance when I leaned over for the kiss.*

- What information from the report supports Jesse’s statements?
- What information is in conflict with or creates doubt about Jesse’s report? What information bolsters Jesse’s account?
  - List documents: video footage (images and timestamps), card access data (card use and door location)
  - List witnesses (Whitney)
- Is there information that tends to make Jesse more or less credible?
  - Are there internal inconsistencies? Who is more consistent?
  - Are there concerns about memory? Accuracy of perception?
- Are there motivations for not providing truthful information? Bias? Interference from others?

### 3. How to cross-examine Whitney?

#### **Whitney’s information”**

**Whitney reports:** Charlie came home around midnight the night before our exam in a huff. Charlie had borrowed my winter coat for a date and stopped by to drop it off. I asked Charlie what was wrong. Charlie told me about an argument with Jesse and said that the relationship was getting to be too much. I told Charlie to get some sleep for the exam tomorrow, and Charlie left, talking about wanting to gorge on chocolate and go to bed. The next day, Jesse was waiting for Charlie outside the exam room. I never saw any bruises on Charlie’s arm. I left for home a few days later.

- Lives next door to Charlie
- Is in biology class with Charlie
- They both have a test the next day
- Charlie back around midnight
- “in a huff”
- Charlie had borrowed coat (why is this important?)
- Charlie acknowledges “argument with Jesse” and describes stress in relationship
- Confirms Charlie left to eat chocolate

- “Never saw bruises on Charlie’s arm”

Jesse’s Advisor: What do you want to make sure “comes in” during the hearing?

- Didn’t see physical injuries the night of the incident (e.g. bruising on forearm, mark on the face from slap).
  - Note: Whitney left for home (end of break) shortly after the incident – could it be that she would not have had an opportunity to see bruise on Charlie’s arm?
- Whitney noticed that Charlie was upset (in a huff) when she got home and said the “relationship was getting to be too much.”
  - Didn’t study for exam, Charlie decided eat chocolate instead
- Reinforce time of interaction because it is near in time to the incident

Charlie’s Advisor: What do you want to make sure “comes in” during the hearing?

- Didn’t see the bruise minutes after incident, but also didn’t interact with Charlie during the two weeks after the incident occurred
- Is it possible that Charlie would not have shared her experiences with Charlie because Whitney is not as good a friend of Charlie? Or just a hall mate and classmate?

### **“High School Sweethearts” Scenario**

High school sweethearts Cameron Clawson and Riley Roberts go to same college, Corona College. It is a small-residential College an-hour outside of New York City that requires all students to live on campus for their first two years. The Parties started dating during their senior year of high school. They were king and queen at their senior prom. They lived in different dorms during their first year, but formed a fairly large, common friend group between the Parties. The parties decided to stay in their same dorms surrounded by their friends for their sophomore year.

The friend group would frequently hang out together in the quad, go to movies and enjoyed big outings to the local Italian restaurant, Lucca’s. The parties were really central to the friend group and everyone looked up to their relationship. During their junior year, when both parties were 20, they decided to move in together in an apartment off-campus, but run as student apartments through a public-private partnership with the College. At first living together was fun and exciting, but they soon realized that from living separately in the dorms, they did not see how each other behaved domestically. Cameron was a very tidy person and more of a home-body. Riley was working part-time to get pay rent and living expenses while going to class and did not spend much time at home nor help with chores.

Around December, Riley lost their job and started to rely on Cameron to pay more of their joint expenses. They started to fight as the money got tight and their relationship started to break down. In an effort to save the relationship, Riley planned a nice dinner date out to Lucca’s. They both brought convincing fake IDs and split both a bottle of red wine, a bottle of white, and a couple beers. Cameron was not very hungry that night and only had a small salad while Riley had Lucca’s signature dish of chicken cacciatore which is breaded chicken in a thick, Italian sauce.

The couple caught a rideshare home and inside the car, Cameron caught Riley texting one of their mutual friends a number of hearts and what Cameron thought to be flirty messages. The couple had a quick argument in the car and soon decided to stop talking. They silently walked from the apartment parking lot up to their shared apartment which was on the third floor with no elevators. Cameron struggled a bit to walk up the stairs, but refused Riley’s help.

The couple made it inside when Cameron sat down on the couch and Riley sat down next to Cameron. Riley apologized and stated that what Cameron saw was a misunderstanding. Cameron eventually forgave Riley, thanked Riley for the nice dinner, and they started kissing heavily on the couch with Riley fondling Cameron above their clothes. After about five minutes of kissing, Cameron quickly stood up and went to the restroom. Riley thought that this meant Cameron might be freshening up for them to have sex, which they had not done in a while due to all the fighting. Riley hurried to the bedroom to get the bed ready, turn the lights off, and light a few candles to set the mood. The bedroom was positioned in a way that Riley could not hear what was occurring in the bathroom.

Cameron ran to the bathroom and vomited twice. Cameron was experiencing blackout at this time and only remembers vomiting but nothing after that. Eventually Cameron gathered

themselves enough to wash out their mouth with water and then mouthwash. Cameron then went to the bedroom where Riley was waiting. Riley started trying kissing and fondling Cameron again, and Cameron was lying there not being very responsive to the affection. Riley decided to remove Cameron's underwear, use some lubrication and a condom, and try to have sexual intercourse with Cameron. Cameron was not asleep and seemed to be into it by Riley's understanding because Cameron spread their legs while lying on the bed. Riley was excited and didn't last long. Riley ejaculated in the condom and then threw it away in the bedside trashcan. Riley fell asleep next to Cameron shortly after.

Cameron woke up first the next morning and noticed their genitals were sore and slightly sticky. They realized they must have had sex with Riley but did not remember ever talking about it or engaging in any part of it. Cameron was freaked out because they only remembered vomiting and nothing else. Also, the ride home and getting into the apartment was blurry. Cameron stood up and saw the used condom in the trashcan which confirmed they had had sex.

Cameron confronted Riley that day about not knowing they were having sex and it how upset it made Cameron. Cameron told Riley that they had a nice evening but they were still upset with all their fighting. Cameron said that this was the last straw and they needed to break up. Riley was shocked to learn that Cameron didn't have knowledge about the sex and thought Cameron was lying. Riley ended up driving to his parent's house a couple hours away.

Cameron ended up moving out of the apartment that week and moving into a house with some friends. A few weeks later Cameron learned through a friend that a sex video showed up on a snapchat story and on a chat board for a large lecture class which seemed to be Riley having sex with Cameron but you couldn't make out Cameron's face very well. The video was taken down from both platforms before anyone could save or record it. Cameron believes it was a video of the sexual encounter that they did not remember, and Cameron believes Riley posted it to get revenge on Cameron for breaking up. Cameron had never agreed to be videotaped during sex.

Cameron was very upset but did not want to report. Cameron is not sure who reported, but thinks their friend, Wyatt, is the person who reported. Wyatt is the person who told Cameron about the video. Cameron has been depressed trying to deal with the stress of the break up combined with the painful experience of having a sex video posted online. Cameron is starting to have suicidal thoughts, but does not want to seek therapy because they cannot afford it and they do not want to tell their parents about what happened.