

<b>Finding of Fact</b>
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**TO:** [REDACTED] Responding Student  
[REDACTED] Impacted Party

**FROM:** [REDACTED]-Student  
[REDACTED]-Student  
[REDACTED]-Student  
[REDACTED]-Staff

**SUBJECT:** Finding of Fact

**CC:** Chris Griffith, Associate Vice Provost and Dean of Student Life  
Jamie Hogan, Investigator

**DATE:** May 10, 2011

On April 4, 2011, [REDACTED] was notified that he was being formally charged with violating the Fundamental Standard, Administrative Guide Policy 23.2-Sexual Harassment and Consensual Sexual or Romantic Relations, and Administrative Guide Policy 23.3-Sexual Assault, for an incident that occurred on or about the late evening hours of January 16, 2011, or early morning hours of January 17, 2011.

The four Reviewers considered the Investigation File, and the written responses provided. Both [REDACTED] and [REDACTED] were provided the opportunity to meet with the Reviewers, and both elected to do so.

Based on the above, the Reviewers issue the following:

**Finding of Fact:**

We find the Responding Student, [REDACTED], Responsible for a violation of the Fundamental Standard, Administrative Guide section 23.2 -- Sexual Harassment, and Administrative Guide section 23.3 -- Sexual Assault.

**Formal Vote:** Sexual Assault: 4-0  
Sexual Harassment: 4-0  
Fundamental Standard: 4-0

**Rationale:**

The panel concludes that a preponderance of the evidence supports the finding that the Responding Student violated the Fundamental Standard with his actions because he did not show respect for the rights of others as expected of a Stanford student. Specifically, he did not show respect for the right of a fellow student to decide what sexual activity she should participate in and when she should participate in that activity.

The panel finds the Responding Student responsible for violating Stanford's Sexual Assault policy, which states "sexual assault is the commission of an unwanted sexual act [...] that occurs without indication of consent of both individuals." The Administrative Guide Memo 23.3 specifies that "A person is legally incapable of giving consent [...] if intoxicated by drugs or alcohol." The panel finds that the impacted party was intoxicated by alcohol, per her own report as well as the reports of reliable witnesses who testified to signs of her visible intoxication including slurred speech. The panel found it implausible that the Responding Student could not have reasonably known that the impacted party was intoxicated given the aforementioned witnesses' reports. In addition, there were discrepancies between the Responding Student's and the witnesses' statements in describing the amount of alcohol consumed and the role of the responding student in encouraging the impacted party to drink. These discrepancies raised concerns about the Responding Student's credibility.

The panel finds that the Responding Student was responsible for violating Stanford's Sexual Harassment policy, which states that "unwelcome sexual advances [...] constitute sexual harassment when [...] the conduct has the purpose or effect of unreasonably interfering with an individual's academic [...] performance or creating an intimidating or hostile academic, work, or student living environment." The Responding Student's engagement in sexual activity with the impacted party was an unwelcome sexual advance because it was not consensual. Thus, these advances constitute sexual harassment because the Responding Student's actions interfered with the fellow student's ability to effectively engage in academic studies as she worries about seeing the responding student on campus, and her student living environment as she reported being "tired of Stanford and wants to go somewhere else."

As outlined in the Alternative Review Process, Section I.4- Following a finding of responsibility, the Responsible Student will be provided three days to provide a written Sanction Statement and the Impacted Party will be provided three days to provide a written Impact Statement to the Reviewers. The Reviewers will assign sanctions under the *Guide to the Penalty Code and to Judicial Sanctions* and issue a Sanction report.