

Fact pattern for June 23, 2020 WAICU Title IX Training

A group of male students are pre-gaming in a dorm room. A couple of the students are playing Fortnite as others watch. Things start to get rowdy as the alcohol begins to set in and as one of the students is having success during the game. In the last five minutes of the game, before the guys head out to an off-campus party, there's another great game move by the student that causes the spectating students to erupt with cheers, chest-bumps, bear-hugs, and high-fives.

During this eruption, Respondent wraps his arms around the Complainant's waist from behind, lifts the Complainant off the ground and as he sets the Complainant down on the ground, the Respondent squeezes the Complainant around the waist, grabs the Complainant's genitals and presses his own genitals against the Complainant's butt in a pulsing motion. The Complainant, quickly turns around and says, "What the hell man, not cool!" The Respondent, who is drunk, simply winks at the Complainant and says, "I'm just kidding around, dude."

The guys head to the off-campus party. All get considerably inebriated. The Complainant vaguely recalls the Respondent leading him to one of the bedrooms. Complainant passes out. Later, the Complainant wakes up on his stomach, shorts and underwear pulled down to his ankles and his anus is sore. The Complainant then finds a used condom lying next to him.

The next day, the Complainant receives a text from the Respondent stating,

"Lol! Bout' time u and I got it on! Sooooo good even tho we were bombed! Bet u got a jug on ur head this a.m. Hit me up again sometime!"

After a week of not being able to sleep, focus on his studies, 2 skipped classes that he shares with the Respondent, and suicidal ideations, the Complainant contacts the Title IX Coordinator stating that he was sexually assaulted by the Respondent in the dorm room and at the party.