

CASE STUDY, PART ONE: INITIAL NOTICE

It's Saturday night in October. Parties are everywhere on and off campus. Students have been tailgating since dawn. Julie, a transfer student, and Molly, her roommate, are both seniors. They have been diligent students during their first three years but decide that it's time to enjoy life before they have to join "the real world." Molly just started dating a swimmer, Ethan, who has invited them to a big party that's going down after the tailgating. They are excited to attend. They've never been to a party like this and spend a long time deciding what to wear—and drinking—while getting ready and Snapchatting. Julie has felt anxious this year about her weight and did not eat very much during the tailgating. She wears a new sundress that makes her look super skinny. By the time Molly and Julie leave for the party, they are both buzzed. They take selfies while walking over and post them on Instagram. Another student, Zack, repeatedly texts Julie to see where she is. He got her number from Ethan and had never texted her previously. Julie is flattered by the attention, but she just started dating a guy named Darren. Nevertheless, she found Zack charming.

The party is at an off-campus apartment. There is a game of beer pong happening in the hallway. After about 30 minutes, Molly and Julie go into the hallway where Ethan and Zack are playing beer pong. Zack is the reigning champion. Zack spots Julie and asks her where her drink is. Julie is holding her Outdoor Learning and Adventure Club water bottle and says that she is recovering from tailgating. Zack tells her about the Shut Up and Dance rule and hands her a drink. Julie sips it and continues talking to the group. Zack tells her she has to finish it. Julie feels shy and finishes it.

By this time, Zack and Ethan are pretty drunk and win the next round of beer pong. Zack turns to Molly and Julie and says, "You're up." Molly laughs and takes the pong ball. Julie, trying to be brave, chugs another drink that Zack had handed her and starts to play. Molly and Julie are not very good at beer pong and end up drinking most of the cups on the table. Zack looks at Julie and asks her if she wants to make it more interesting. He refills the cups with Fireball and the group plays again, Molly and Julie again losing. A large group of swimmers comes out into the hallway to get Ethan and Zack for a new game inside. Molly and Ethan go inside with the group. Only a few people remain out in the hall, including one student who appears to be passed out in a corner. Zack takes Julie by the arm and says, "Why don't you stay out here with me? You looked super-hot in your selfie that you posted earlier." Julie is flattered by the compliment and decides to stay with Zack. Zack pours her another glass of Fireball and they begin kissing.

Subsequently, Zack and Julie leave and go into a bedroom. A surveillance camera in the hallway before they arrive captures Julie staggering and Zack aiding her walk to the bedroom. They begin kissing and lie down on the bed. Julie says that she should leave, and Zack responds that she can't flirt with him all night and then just expect to go home. Julie performs oral sex on Zack, who holds her head down so that she can't stop. (This is the last thing she remembers.) Julie wakes up in a room that she doesn't recognize. All of her clothes are off, and Zack is passed out next to her. She has red marks on her arms, and her vagina feels sore. She doesn't remember what happened or how she got to this room. She looks for her phone and texts Molly, "Where are you???" Molly responds, "OMG, where are you? I tried to take you home, but you were wasted and wanted to stay with Zack." Julie quickly gets dressed and leaves. When Julie returns to the room, she tells Molly what just happened. Molly is immediately upset and wants to tell the RA. Julie doesn't want anyone to know. Julie doesn't get a rape kit done nor does she call the police. She doesn't remember what happened, and she doesn't want to get Zack in trouble. She tells Molly that she had a lot to drink and that she is probably to blame as well. Molly agrees to keep it a secret because she knows that Julie lacks self-confidence and has very religious parents, so Molly doesn't want her to feel uncomfortable.

The next day, Molly, who had trouble sleeping since Julie told her what happened, told Ethan about what Julie told her. Ethan looks upset and says that Zack is known for being kind of sketchy. He said he thought Julie knew that and didn't care, because it seemed like she was having fun with him. Molly asks what Ethan means about Zack being sketchy, and Ethan tells Molly a story about a freshman swim team member that Zack got drunk and had sex with earlier that semester. Molly decides she has to tell the RA about what happened to Julie. The next night, Molly convinces Julie that she, Julie has to tell the RA. (During the conversation with the RA, no mention of the freshman swimmer was made.)

During Zack's interview, he denied that he sexually assaulted Julie; even though she was drunk, according to Zack, Julie was a willing and consenting partner to both oral and vaginal sex. Julie neither said yes to the sexual acts nor did she say no. In fact, she said nothing. She demonstrated to Zack that she was into it by not leaving the bedroom and by not pushing him away. Zack is twice Julie's size in weight and considers himself to be a "professional" drinker. Zack wore a condom during the incident, but the condom was not recovered.